

SENATE.

THURSDAY, April 11, 1918.

(Legislative day of Saturday, April 6, 1918.)

The Senate met at 11 o'clock a. m.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Henderson	New	Sherman
Beckham	Hollis	Norris	Smith, Ga.
Brandegge	Johnson, Cal.	Overman	Smith, S. C.
Culberson	Jones, Wash.	Page	Swanson
Fernald	Kellogg	Penrose	Tillman
Fletcher	King	Pittman	Trammell
Gallinger	Knox	Ransdell	Underwood
Gerry	Lodge	Shafrath	Vardaman
Hale	Nelson	Sheppard	Wadsworth

Mr. JONES of Washington. I desire to state that the junior Senator from Kansas [Mr. CURTIS] is necessarily absent on official business of the Senate, and that the junior Senator from Iowa [Mr. KENYON] is absent in connection with the liberty-bond loan. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. FRANCE, Mr. FRELINGHUYSEN, Mr. JONES of New Mexico, Mr. KIRBY, Mr. POINDEXTER, Mr. SIMMONS, Mr. THOMAS, Mr. THOMPSON, Mr. TOWNSEND, and Mr. WEEKS answered to their names when called.

Mr. CHAMBERLAIN, Mr. BANKHEAD, Mr. HARDING, Mr. HITCHCOCK, Mr. McCUMBER, Mr. MCKELLAR, Mr. McNARY, and Mr. MARTIN entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the conference report on Senate bill 333.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 333) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, disagreed to by the Senate, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 2917. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes";

S. 3528. An act to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes; and

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases.

PETITIONS AND MEMORIALS.

Mr. KIRBY. I present a petition from citizens of Logan County, Ark., a county that has sent more men to the battle front than any other county in the United States. I desire that this petition be published in the RECORD. I do not ask that it be read.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

MAGAZINE, ARK., March 26, 1918.

Resolved, That we, citizens of Magazine and vicinity, in Logan County, Ark., a county which has given more soldiers to the ranks of those fighting for world democracy than any other county in the United States, assembled for the purpose of organizing another "win-the-war" club, the members of which wish to prove their loyalty to the Government by pledging themselves to carry out the program for food production and conservation especially, earnestly petition President Wilson and the Congress of the United States to further aid food production and conservation, transportation and efficiency of men workers at home as well as soldiers in the ranks by giving us at once and completely the entire prohibition of the manufacture and sale of all kinds of intoxicating liquors, and that they further protest to England against the use

of grains which we may furnish that country for the manufacture of intoxicating liquor. We are glad to do all we can to help feed the armies of the allies and their civilian population, but we protest against denying ourselves and making all possible sacrifices for the benefit of English or American brewers.

H. G. THOMASON,
Chairman.

Mr. LODGE presented a petition of Terrence McDonald Garrison, No. 38, of Amesbury, Mass., praying for the preservation, restoration, and repair of the naval brig *Niagara*, which was referred to the Committee on Naval Affairs.

Mr. NELSON presented a petition of Federal Employees Union No. 57, of White Earth, Minn., praying for a greater increase in salaries to all Federal employees than is proposed by the flat raise of \$120 per year, which was ordered to lie on the table.

He also presented resolutions adopted by the Association of Business Men of Minneapolis, Minn., and resolutions adopted by the Association of Office Men of St. Paul, Minn., at a meeting held in Minneapolis on March 21, favoring the enactment of legislation authorizing a receipt to be taken of all registered mail matter, showing to whom, when, and the place where delivered, which were referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of the Forward Club, of Lemongrove, Cal., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the repeal of the bankrupt law, which was referred to the Committee on the Judiciary.

He also presented petitions of the American Defense Society of the State of California, praying for legislation providing punishment for German propagandists, pro-German sympathizers, and all persons who by public utterance or publication interfere with the successful prosecution of the war, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. VARDAMAN, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 4208) authorizing postage rates on aeroplane mail, reported it without amendment.

Mr. KIRBY, from the Committee on Claims, to which was referred the bill (S. 1092) for the relief of C. G. Wilford, submitted an adverse report (No. 384) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 2632) for the relief of Charles Leon, submitted an adverse report (No. 385) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. WADSWORTH, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 280) for the relief of Alfred Sjostrom (Rept. No. 381);

A bill (S. 304) for the relief of Peter McKay (Rept. No. 382); and

A bill (S. 1090) for the relief of the Alaska Steamship Co. (Rept. No. 383).

Mr. MCKELLAR from the Committee on Civil Service and Retrenchment, to which was referred the joint resolution (S. J. Res. 141) amending the act of July 2, 1909, governing the holding of civil-service examinations, reported it with amendments and submitted a report (No. 387) thereon.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3808) to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes, reported it with amendments and submitted a report (No. 386) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HENDERSON:

A bill (S. 4311) to provide for a commission to codify and suggest amendments to the general mining laws; and

A bill (S. 4312) to amend section 3 of an act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; to the Committee on Mines and Mining.

By Mr. MYERS:

A bill (S. 4313) granting an increase of pension to Fred Burnstead; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 4314) granting an increase of pension to William Morgan (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 4315) for the relief of William P. Clements (with accompanying papers); to the Committee on Claims.

A bill (S. 4316) granting a pension to Mary McJenkins;

A bill (S. 4317) granting a pension to Reed Coleman;

A bill (S. 4318) granting a pension to Ben B. Sell (with accompanying papers);

A bill (S. 4319) granting an increase of pension to Joshua Boreing (with accompanying papers);

A bill (S. 4320) granting an increase of pension to George W. L. Nesbit (with accompanying papers);

A bill (S. 4321) granting an increase of pension to William Hill (with accompanying papers);

A bill (S. 4322) granting an increase of pension to Alexander P. Settle (with accompanying papers);

A bill (S. 4323) granting a pension to Lilly M. Dover (with accompanying papers);

A bill (S. 4324) granting an increase of pension to Moses Hull (with accompanying papers);

A bill (S. 4325) granting an increase of pension to Larkin J. Vanhook (with accompanying papers);

A bill (S. 4326) granting a pension to James L. Graham (with accompanying papers);

A bill (S. 4327) granting a pension to Robert T. Burton (with accompanying papers);

A bill (S. 4328) granting a pension to Nancy C. Patrick (with accompanying papers);

A bill (S. 4329) granting a pension to David Gregory (with accompanying papers);

A bill (S. 4330) granting an increase of pension to Ephraim B. Guffey (with accompanying papers);

A bill (S. 4331) granting an increase of pension to David W. Britton (with accompanying papers);

A bill (S. 4332) granting an increase of pension to William Brummett (with accompanying papers);

A bill (S. 4333) granting an increase of pension to John R. Davis (with accompanying papers);

A bill (S. 4334) granting an increase of pension to Wilkerson McHoward (with accompanying papers);

A bill (S. 4335) granting an increase of pension to George Washington Tarter (with accompanying papers);

A bill (S. 4336) granting an increase of pension to Daniel Smiley (with accompanying papers);

A bill (S. 4337) granting an increase of pension to Leo V. Burchett (with accompanying papers); and

A bill (S. 4338) granting an increase of pension to Isaac R. Storm (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 4339) for the relief of Charles Lynch; to the Committee on Military Affairs.

By Mr. POINDEXTER:

A bill (S. 4340) granting an increase of pension to George W. Quimby (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. PENROSE submitted an amendment proposing that hereafter when the needs of the Postal Service require the employment on Sundays or holidays of assistant postmasters and other supervisory employees, they shall be granted compensatory time in the same manner as provided by the law for clerks and carriers in first and second class post offices, intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

WAR MATERIAL AND WAR TRANSPORTATION—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. THOMAS. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the senior Senator from Utah [Mr. SMOOT] and vote "nay."

The roll call was concluded.

Mr. BECKHAM. Has the Senator from West Virginia [Mr. SUTHERLAND] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a general pair with that Senator. In his absence I withhold my vote.

Mr. LEWIS (after having voted in the affirmative). Mr. President, I fear I had forgotten. Has the Senator from Utah [Mr. KING] voted?

The VICE PRESIDENT. He has not.

Mr. LEWIS. I recall that last evening he asked me to pair with him. He is against the conference report; I am for it. I beg that my name be stricken off and that I remain paired with the Senator from Utah [Mr. KING].

Mr. SMITH of South Carolina (after having voted in the negative). I desire to inquire if the Senator from South Dakota [Mr. STERLING] has voted.

The VICE PRESIDENT. He has not.

Mr. SMITH of South Carolina. I understand he would vote as I have voted, and I will therefore allow my vote to stand.

Mr. PENROSE (after having voted in the negative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I note his absence; but inasmuch as he made a speech against this report yesterday, I will let my vote stand.

Mr. FERNALD (after having voted in the negative). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. In his absence and not knowing how he would vote, I withdraw my vote.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN], who is necessarily absent. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. GERRY (after having voted in the affirmative). Has the Senator from New York [Mr. CALDER] voted?

The VICE PRESIDENT. He has not.

Mr. GERRY. I have a general pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and let my vote stand.

Mr. JONES of Washington. I wish to announce the absence of the Senator from Idaho [Mr. NUGENT], the Senator from Georgia [Mr. HARDWICK], the Senator from Oklahoma [Mr. GORE], the Senator from Rhode Island [Mr. COLT], the Senator from New York [Mr. CALDER], and the Senator from Vermont [Mr. DILLINGHAM] on legislative business of the Senate.

Mr. GALLINGER. I announce the unavoidable absence of the Senator from Utah [Mr. SMOOT].

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to my colleague [Mr. STONE], who is detained on account of illness, and vote "nay."

Mr. KIRBY. I wish to announce that the Senator from Delaware [Mr. WOLCOTT] is detained on official business.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

Mr. SHEPPARD. I wish to announce that the Senator from Arkansas [Mr. ROBINSON], the Senator from Arizona [Mr. ASHURST], and the Senator from California [Mr. PHELAN] are detained on official business.

Mr. TILLMAN (after having voted in the affirmative). My pair with the Senator from West Virginia [Mr. GORE] having been transferred to the Senator from Louisiana [Mr. BROUSARD], I was at liberty to vote.

The result was announced—yeas 25, nays 34, as follows:

YEAS—25.

Culberson	Jones, N. Mex.	Pittman	Thompson
Fletcher	McKellar	Ransdell	Tillman
Gerry	McNary	Shafroth	Trammell
Henderson	Martin	Sheppard	Vardaman
Hollis	Nelson	Shields	
James	Norris	Simmmons	
Johnson, Cal.	Overman	Swanson	

NAYS—34.

Baird	Hale	Myers	Smith, S. C.
Bankhead	Harding	New	Thomas
Brandegee	Hitchcock	Page	Townsend
Chamberlain	Jones, Wash.	Penrose	Underwood
Cummins	Kellogg	Poin Dexter	Wadsworth
Fall	Kirby	Pomerene	Warren
France	Knox	Reed	Weeks
Frelinghuysen	Lodge	Sherman	
Gallinger	McCumber	Smith, Ga.	

NOT VOTING—36.

Ashurst	Goff	Lewis	Smith, Mich.
Beckham	Gore	McLean	Smoot
Borah	Gronna	Nugent	Sterling
Broussard	Hardwick	Owen	Stone
Calder	Johnson, S. Dak.	Phelan	Sutherland
Coit	Kendrick	Robinson	Walsh
Curtis	Kenyon	Saulsbury	Watson
Dillingham	King	Smith, Ariz.	Williams
Fernald	La Follette	Smith, Md.	Wolcott

So the report was rejected.

Mr. OVERMAN. I move that the Senate further insist upon its disagreement to the amendments of the House and request a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. OVERMAN, Mr. FLETCHER, and Mr. NELSON conferees at the further conference on the part of the Senate.

REMOVAL OF ALIEN ENEMIES—CONFERENCE REPORT.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, being Senate bill 3771.

Mr. OVERMAN. I ask that the unfinished business may be temporarily laid aside to enable me to call up another conference report. I ask the Chair to lay before the Senate the conference report on House bill 9504, and that the unfinished business may be temporarily laid aside for the purpose of considering that report.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women.

The VICE PRESIDENT. The conference report will be read. The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,

Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,

Managers on the part of the House.

Mr. GALLINGER. I will ask the Senator from North Carolina on what bill is this conference report made?

Mr. OVERMAN. It is the conference report on the bill providing for an amendment to the law so as to include women as alien enemies.

Mr. GALLINGER. I do not object to that.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. OVERMAN. I now ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

The VICE PRESIDENT. The first committee amendment will be stated.

The first amendment of the Committee on the Judiciary was, on page 1, line 9, after the word "authorized," to strike out "and empowered," so as to read:

That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary—

The amendment was agreed to.

The next amendment was, on page 2, line 7, after the word "necessary," to insert "which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record," so as to read:

And to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record.

The amendment was agreed to.

The next amendment was, on page 2, line 17, after the word "force," to insert the following proviso:

Provided further, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 21, after the word "authorized," to strike out "in such manner as he may deem most appropriate"; and in line 22, after the word "to," to insert the word "utilize," so as to read:

Sec. 2. That in carrying out the purposes of this act the President is authorized to utilize.

The amendment was agreed to.

The next amendment was, in the same section, page 2, line 23, after the word "executive," to insert the words "or administrative," so as to read:

Coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices—

And so forth.

Mr. CUMMINS. Mr. President, this bill has come on for consideration rather unexpectedly, for I think most Senators anticipated some discussion on the conference report which has just been rejected. It has been the expectation of the Senator from Georgia [Mr. SMITH] to speak upon the bill, and I think especially with regard to the amendment which has just been stated. I therefore suggest the absence of a quorum.

Mr. OVERMAN. Before the Senator from Iowa does that, I will ask that this amendment be passed over, and let us get through with other amendments to which the Senator, I think, will not object. Let us have all the other amendments to which there may be no objection, except this amendment, agreed to.

Mr. CUMMINS. There are other amendments to which there is objection.

Mr. OVERMAN. I am willing that this amendment and any other amendment to which there is objection may be passed over, but I should like to get those amendments adopted as to which there is no objection.

Mr. CUMMINS. I do not remember the other amendments to which there is objection.

Mr. OVERMAN. If there is any objection to any amendment, I will ask that it be passed over.

Mr. CUMMINS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Senator will state it.

Mr. CUMMINS. So that we may be sure of the situation, I desire to make an inquiry. There are amendments to be offered, practically substitutes for sections 2 and 3, I think, and I desire to ask whether, in the event this amendment of the committee were adopted, the proposed substitutes that may come in will be in order?

Mr. OVERMAN. Yes; of course.

Mr. CUMMINS. I want the amendment now suggested to be passed over; but I have no objection to going on with the other amendments, although I intend to call for a quorum so that the Senator from Georgia may at least be advised that we are working on the bill.

Mr. OVERMAN. I have sent for the Senator from Georgia.

Mr. CUMMINS. Very well.

Mr. OVERMAN. I will ask that this amendment be passed over for the present and that we go on with the next amendment.

The VICE PRESIDENT. The next amendment reported by the Committee on the Judiciary will be stated.

The next amendment was, in section 2, page 2, line 24, after the word "officers," to insert the words "now existing by law."

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 4, after the word "thereto," to strike out:

And to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 11, after the word "be," to strike out the word "available" and to insert "expended only," so as to make the section read:

Sec. 3. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer

shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

Mr. THOMAS. Mr. President, the amendment just read seems to me to be inexpedient if the bill is to become a law. Emergencies in times like these are very apt to arise whereby funds available for purposes for which they are appropriated should be expended otherwise, and the necessity for such expenditure may be quite as exigent as is the necessity for giving the President power to combine and consolidate various bureaus. One of the features which hamper war preparations is the fact that Congress carefully specifies the purposes for which and the methods under which expenditures shall be made. That has been the common practice ever since the Government was instituted, and yet, Mr. President, there are many objections to such a system of expenditure. I think by holding the President responsible for these expenditures, in the event he consolidates an agency and finds it necessary to use funds available for that purpose for some kindred purpose, he should be permitted to do so. Therefore, I think the word in the original text of the bill is preferable to the proposed amendment.

Mr. OVERMAN. Mr. President, the members of the Judiciary Committee, especially those who are also members of the Appropriations Committee, have been opposed heretofore to lump-sum appropriations, allowing sums of money to be expended by the head of a department without direction by Congress as to how it shall be spent. We thought that the funds that Congress had directed to be expended for a certain purpose ought to be expended in that way, and if any additional funds are needed, the President can come to Congress for them. Furthermore, as it is now, I think there are plenty of lump-sum appropriations available to administer the Government. Therefore, your committee thought that the President ought to use the money which Congress has directed to be expended in the manner proposed by law.

Mr. SMITH of Georgia. Mr. President, the bill under consideration, known as the Overman bill, authorizes the redistribution of all functions both in the military and civil establishments of the Government. So far as the Military Establishment of the Government is concerned, I will gladly support the bill. I think it should be amended to except the civil establishment, or, at any rate, portions of the civil establishment. As to the civil establishment, it reaches from the Secretary of State and the ambassador to the Court of St. James down to fourth-class postmasters, and authorizes the withdrawal from any Government office or any commission or any bureau or any Government agency the duties devolving by law upon such office, commission, bureau, or agency, and their transfer to any other office or agency that the President may create. To this I object.

Mr. President, there should be at all times the most cordial cooperation between Congress and the President; and now, while we are engaged in a great war, such cooperation is absolutely necessary. But I do not understand this means that the Senate and House of Representatives are to abandon their constitutional duty to aid in perfecting legislation. I do not understand, even if a bill comes to us with the supposed approval of the administration, the President desires that Senators should not study the measure and help perfect it. When we consider the number of administration measures that have come to us in the past year, we know that it would be to suppose that the President possessed superhuman power to believe that he could have studied them in detail and could have passed carefully upon every detail in them. The President, I feel sure, would welcome, and does welcome, the help of the Senate to perfect measures even called administration measures.

The President made a great speech in Baltimore last Saturday. He declared that the time had passed to talk about peace; that the time now was for preparation for war, and continued preparation, and nothing else. We should all support that speech. The time has passed to think of anything but the preparation of our Nation to carry this war to victory; and it is with the earnest desire to win the fight—to win the war—that I favor amending this bill.

Mr. President, to put upon the President, as Commander in Chief, the duty of redistributing the functions of our Military Establishment alone places upon him a superhuman duty, and to involve him now in the redistribution of civil functions that do not pertain to the war, that have been built up by legislative enactment during a century, is to put upon him an unnecessary task, and one not suited to the hour, one calculated, if speedily transacted, to produce confusion and disorder in our civil establishment.

There is vast room for study, and for redistribution in our Military Establishment. I class three branches our Military

Establishment—the Navy, the Army, and the Shipping Board. When we declared war, or recognized that a state of war existed, our Navy was in good shape; the heads of the various bureaus had been wisely selected, and had served quite a length of time; they were familiar with their work; they understood it, and when we added the additional war duties to the Navy, doubling appropriations, that well-oiled machinery moved on without friction. It has performed its task superbly, and to-day the American people have plaudits for the Navy, and they congratulate and applaud also the Secretary of the Navy.

As to our Shipping Board, and the Emergency Fleet Corporation, we appropriated for their use over a billion dollars, and placed upon their boards a great task. It required minds of powerful organizing and executive capacity to handle the task. That it was not well done for a while no one denies—that we had men upon the board not suited to the task all admit, but changes have been made by the President and wisely made. I fear some of the board now are not equal to the task. I hope the majority of them are equal to it.

I come, however, to the War Department. I have only in the past few weeks realized the task we placed last year upon the War Department. We placed the task of handling \$5,500,000,000 of appropriations on the War Department without doing anything toward strengthening its business organization. Do I criticize Congress? No; I do not criticize them; none of us realized the necessity for the immediate strengthening of the business administration of the War Department. I am criticizing no one now.

I am trying to look the facts in the face, not with reference to the past, but with reference to the future, with reference to winning the war, which is the great thought closest to the heart of every loyal citizen of this country.

Five billion five hundred million dollars! Why, Mr. President, all the banks in the United States have less than \$5,000,000,000 of total assets. Five billion five hundred millions—once and a half the entire gross incomes of the railroads of the United States! Our reserve banks have about four hundred millions. We placed upon the War Department the task of handling more than ten times the entire capital and deposits of the 12 reserve banks of the United States. We placed upon the War Department this great business responsibility. It had not been prepared for it. It was not organized for it.

As to those lines of work that involve strictly military skill—the draft of our men, the selection of officers, the training of officers, and the training of men—our War Department has served splendidly, and it is entitled, and its officers are entitled, to the tribute of the people. But where did we provide for handling the business responsibilities placed upon the War Department? Not in the Assistant Secretary. I think 12 months ago he was a newspaper man, who probably could not have handled a bank with \$100,000 capital or a mercantile establishment of that size. The officers of the Army had not been trained for great business tasks. They had been educated as military officers. Where was the business organization from which we expected the wise and intelligent handling of this great business responsibility placed 12 months ago upon the War Department?

Let me call your attention to some features of that responsibility.

We gave to aviation \$680,000,000 to be used at once during the first year—\$640,000,000 at first and the urgent deficiency bill carried \$40,000,000 more, making a total of \$680,000,000. Did we add a half dozen great business organizers and executives as Assistant Secretaries and ask the President to place one at the head of aviation? Did we add these additional Secretaries and suggest for those positions the strongest business organizers of the country? Not at all. We sat here quietly appropriating the money, without action to provide men capable to carry into execution the use of the money which we had appropriated.

I had the greatest respect and admiration for Mr. Richard Olney. He was a great Attorney General and Secretary of State under Mr. Cleveland's last administration. He could not have handled the business we placed on the War Department. I sat for 10 years on a board charged with the handling of an eleemosynary fund, of which Mr. Olney, Senator Hoar, Dr. Gilman, Bishop Warren, of Massachusetts, and the Chief Justice of the United States were members. None of them could have handled the task we placed on the War Department. There was one man on that board, with a powerful executive and organizing mind, trained to executive duties and to organizing vast and innumerable enterprises. When a problem of organization or executive action was before that board, he towered above his associates like a great mountain above little hills. That was the kind of mind we needed. I refer to J. Pierpont Morgan, sr. We really needed a combination of the

great ability of J. Pierpont Morgan and J. J. Hill, and still the task would have been onerous.

Let me go on calling your attention to these business responsibilities that we placed upon the War Department.

We appropriated for the purchase, manufacture, and test of mountain, field, and siege cannon, \$1,124,000,000. The plants, most of them, were to be constructed. The organization of those who were to operate the plants was to be made, and then there was the operation of the plants themselves.

We appropriated for the purchase, manufacture, and test of munitions for these cannon \$1,816,000,000. This required in many cases the construction of plants to manufacture the munitions. In some instances we could buy what was needed. This required a great merchant. Why, let me mention one little plant, small in comparison with the \$5,500,000,000—a little plant for the manufacture of smokeless powder. It took the Secretary nine months to select the head, the man who was to take charge of the organization. He was a man of ability, but knew nothing of powder manufacturing, and then, when he took charge, he found that already some builders had been selected to construct the plant who knew nothing about the intricacy and technical work of the munition plants, and architects had been selected to plan the buildings who had no more knowledge than the contractor.

Let me go on. I wish to impress upon the Senate, and as far as I can upon the country, the tremendous business responsibility we put upon the War Department.

We appropriated for the purchase, manufacture, and test of seacoast cannon, \$27,000,000.

For munitions for the same purposes, \$31,000,000.

For alteration and maintenance of mobile artillery, \$234,000,000.

For subsistence of the Army, \$268,000,000.

For regular supplies, \$164,000,000.

For transportation of the Army, \$516,000,000.

For water and sewers, \$44,000,000. It is a pretty big enterprise for an ordinary man to handle \$44,000,000, and yet it is trivial compared to the whole responsibility.

Barracks and quarters, \$113,000,000.

Roads, walks, and so forth, \$21,000,000.

Construction and repair of hospitals, \$45,000,000—a great, big enterprise in itself.

Mr. WARREN. Mr. President, will the Senator yield?

Mr. SMITH of Georgia. I yield.

Mr. WARREN. Added to the formidable list which the Senator is so well setting forth are all of the industries and cares of peace times. For instance, we have all the navigable waters of the country, all the rivers and harbors of the country, we have all the national parks, we have the Philippines, Alaska, Sandwich Islands, Porto Rico, and other detached districts, and the Panama Canal, and various other interests and industries that must be looked after and carried along in addition to all of the vast duties that the Senator has mentioned. The duties of the War Department are really enormous, even in peace times.

Mr. SMITH of Georgia. The Senator's statement is entirely true. I am only seeking to impress the enormous additional business responsibilities that were placed upon the War Department.

Clothing for the Army, \$378,000,000. It would take a merchant of considerable mind to handle that problem alone.

Storage and shipping facilities, \$150,000,000.

I have mentioned these particular items in order that the diversity of the task, as well as the enormous character of the responsibility, may be comprehended. As I said before, in the strictly military work of training soldiers our officers were ready for the task, and performed it splendidly. If we had had proper vision, we would have known that there was at least a chance of our becoming involved in this war, and we would have made the organization to handle what was required long before we put the duties on the War Department. Instead of doing so, the last legislative act that we performed in the bill of 1916 was to cripple rather than to strengthen the General Staff, and to lessen the responsibilities of the Chief of Staff.

It was a disorganizing rather than an organizing act. What did we do? We did not realize—I did not; I wish frankly to say I did not—the business task that we were placing on the War Department. We entirely failed to take the proper steps to help meet that business task. What did we do? The policy was adopted under the Council of National Defense of creating innumerable advisory committees, without authority, some good and some bad, some here for patriotic purposes and some not. The Senator from North Carolina [Mr. OVERMAN] has referred to confusion, and he has cited the testimony of Dr. Gifford and Mr. Catchings about confusion, and the necessity for concentra-

tion of authority. They were not referring to the civil establishment of the Government. They were referring to these innumerable advisory committees, and they were urging the substitution of men with authority inside the War Department in place of impossible, irresponsible, unknown advisory committees. The Senator entirely misunderstood their testimony. I challenged during his speech his claim that Dr. Gifford and Mr. Catchings had approved transferring to the President the right to refunction all of our civil establishment, and he put their testimony into the RECORD. I have read it from his speech. He simply misunderstood their testimony. They were indorsing the proposition that we needed a director of munitions. They were condemning the advisory committees. They had not the civil establishment in their minds, and not a word can be found in the testimony cited by the Senator from North Carolina that sustains his views of what they said or what they meant.

Mr. President, the folly of the advisory committees has been recognized, and they have been practically dispersed for the good of the country. There has been retained the War Industries Board, and to it large powers have been given. There are strong men on that board. To some of them two years ago I might have objected, but with a more accurate knowledge of their ability I am ready to say that I feel sure splendid service will be rendered toward better organization, and better conduct of this business by the War Industries Board. There are one or two other boards still retained that are valuable, but inside the War Department itself there must be business power and capacity to organize and to execute.

We have added two more Assistant Secretaries. From what I hear of him I shall vote with great pleasure for the confirmation of one of them. I would not refer, after an executive session, to what was done in it, but I can say upon the floor what I contemplate doing. I shall with great pleasure vote for one of these two men. I do not know about the other. He is a most estimable gentleman, I understand, but has he organizing capacity? Has he executive ability? Can he help put into the department the business power that it needs?

Why, after the war began our Chief of Staff went to Europe. Did we not need a Chief of Staff? If we did, we needed him here. A little later his successor, when made Chief of Staff, went to Europe, and is there now, and an Acting Chief of Staff just from Europe took his place. Here was a great business responsibility, the biggest this country ever knew, requiring the greatest executive power that could be had, and a man entirely unfamiliar with what had been going on took the place of the Chief of Staff, and the Chief of Staff went to Europe!

I am not disturbed about how our Army is handled in Europe. I believe we have put at the head of our forces there the best selection that could be made from the Army. He is commanding the plaudits of all who meet him. I thank God he is there. It is here in the United States that the creation of supplies, and the great business responsibility rests to take care of the boys who go abroad, and to prepare this country for any emergency.

I have said repeatedly that I favor immediate preparation for an Army of 5,000,000 men. If the reply is made that we can not send them immediately abroad, all right. Let us have the munitions ready; let us have the officers ready; let us train them as fast as we can, and even if we can not send them abroad at once let them be trained and remain here at home.

Since the European war began every time I have had an opportunity I have voted to strengthen the Army. I have seen the possibility of my country becoming involved in the war, and I believed if this were only one chance in ten we had better at once prepare. If we had had two and a half million men ready last January, a year ago, to put in France, I do not believe an American vessel ever would have been sunk.

Let us be candid, and honest about it, and not critical. I accept for Congress the full share of the blame. What we wish is to understand the situation now. What I desire is that we should appreciate the situation and prepare. I long to see in every bureau of the War Department the ablest man who can be found at its head, and then to see him kept there. I have no confidence in perfecting an organization by putting a man at the head of a great bureau charged with the expenditure of millions of dollars, and then sending him to France as soon as he begins to learn his work. I know all the best men want to go to France, but they have just as much responsibility here as they have there. They should make the sacrifice. They should be willing to lay aside military laurels to serve their country where they can serve it best.

Next to Gen. Pershing, I wish to see our ablest organizing officer Chief of Staff. Then I should like to see him exercise some authority and coordinate the bureaus.

What a pitiful statement it was from Gen. Sharpe that he did not know, and was not officially told how many soldiers he must provide clothing for in the cantonments. We were partly responsible for it when we passed the act of 1916 taking away from the Chief of Staff his supervisory authority.

Mr. President, I wish to see every possible authority given to the Commander in Chief to handle the Navy, to handle the Shipping Board and Emergency Fleet Corporation, and to handle the Army. I would like to go further than this bill goes. I would like by affirmative legislation to authorize the Commander in Chief to place inside the War Department between the Secretary and the bureaus such an organization of business and military men as he deems proper to supervise and coordinate the work of the bureaus—one, two, five; I would leave it to him. The responsibility can not be taken off of the Commander in Chief under the Constitution. We can not name the men. The men who occupy the places finally determine the efficiency of the service, and he must select them. I would give him that additional authority by affirmative legislation over and above what is covered by the present bill.

The great work that confronts us here at home is to organize armies, and to organize munitions and supplies to take care of our armies, and to complete plans to provide the munitions.

More than two years ago we passed a bill authorizing the construction of a nitrogen plant, and we nagged the War Department over and over again on the floor of the Senate for doing nothing, and they never started a nitrogen plant until months after the war began. There was a lack of vision. I mention it again, and I say it not by way of criticism, but that we may realize, all of us, what we are up against and prepare for what is ahead.

Mr. President, I will not criticize in detail any place where our business administration failed, where our money was not wisely spent, where the results for which we hoped were not accomplished. I simply say that in this organization, with the lack of skilled organizers and administrators at the top, without knowing anything about the details, I know there must have been trouble lower down. I am surprised that it has not been worse than it has been described. We have young men scattered through the Army without thorough organization. They have done splendid work, and they to a considerable extent have supplied the lack of the kind of mentality that we ought to have placed with the Secretary of War to direct these tremendous business undertakings.

If we leave to the President all these responsibilities, the responsibility to reorganize, to refunction, to direct the Navy, the Shipping Board, and the Army, we have taxed his mental endurance to an extent that a human mind could carry. The law puts it there. We should facilitate his use of it in every way possible. We should cooperate with him in its use.

I would not vote to place upon him a director of munitions even if I thought such an office would be desirable. I would not vote to place upon him a war council of three men if he objected to it, even though I might personally desire it, because it would not be the part of wisdom to seek to force upon the President, who is Commander in Chief, machinery that he did not desire to use.

I had determined if those measures came to the Senate to vote against them, without considering their merits, upon the ground that it would be folly to put upon the Commander in Chief instrumentalities he did not desire to use. But I would in connection with the Military Establishment not alone give him all the authority that this bill gives him, but I would give him the further authority to put such additional boards of one or more men with such powers and of such character as he might determine under the Secretary of War to help coordinate the business responsibility of the War Department, and if he wants authority given by statute to the War Industries Board I am willing to vote for it.

Mr. WADSWORTH. Will the Senator yield just a moment there?

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from Georgia yield to the Senator from New York?

Mr. SMITH of Georgia. I yield.

Mr. WADSWORTH. The Senator may have noticed that the Military Affairs Committee of the Senate in making a report on yesterday recommended that the production of aeroplanes and engines and the fulfillment of the industrial efforts in our aviation program be placed under one executive head, to be appointed by the President and to be responsible solely to him. Does the Senator understand that this bill would not permit such a thing to be done?

Mr. SMITH of Georgia. I do not think that this bill carries that authority.

Mr. WADSWORTH. It does not permit the President to create any new agencies?

Mr. SMITH of Georgia. The President can create new agencies under it, as I will show later on, but I answer for just a moment that there are a number of bills that place general responsibility upon the President under which he can appoint any agency he sees fit. This bill allows him to transfer any function belonging to any civil or military establishment to any agency he sees fit. He can put anybody he pleases into any of these existing agencies and then give them any of these functions, but I would regard it vastly better I will say, that I may not be misunderstood, to authoritatively provide that he may create the agency mentioned by the Senator for this express purpose.

Mr. WADSWORTH. My own impression was, from reading section 2 and other portions of the bill, that this power of the President so far as transferring functions and consolidating officials and their duties from one department to another or in a particular department, was confined to those commissions, bureaus, agencies, offices, or officers now existing by law.

Mr. SMITH of Georgia. No; it is not. I will call the attention of the Senate to what it is really later on, but I state for the present that it puts it within the power of the President to put anybody he pleases into a number of existing organizations already created by law. They would then become governmental agencies, and in that way he could transfer any power to men not now doing any work. But I would not approve that kind of conduct. I would regard it vastly better if he needed an agent of the character referred to by the Senator from New York to specifically authorize his appointment.

Mr. NELSON. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. For a question.

Mr. NELSON. Does the Senator think that under this bill the President, for instance, could designate one of the Assistant Secretaries of the War Department to perform the duties of the particular office to which the Senator from New York refers?

Mr. SMITH of Georgia. Undoubtedly.

Mr. NELSON. Under this bill?

Mr. SMITH of Georgia. Undoubtedly. If he already has a Secretary or if he has Secretaries enough to spare one, if the particular person desired for the work had already been named to an office, then this responsibility could be placed upon him under this bill.

Mr. President, I wish to come to the civil establishment. It has been built up by legislation through more than a century. It has had the benefit of the consideration of Senators from the different States and Representatives from the different districts. It has responded to local conditions. There is not a Senator who could not find something he would like to change in our civil establishment, but no five men could reorganize after two years' work our civil establishment who would not have put more into it than any one of us would object to than is in it now. Any five men who took two years to work upon it would bring back to us as a result of their work things that each of us would object to.

The Senator from North Carolina [Mr. OVERMAN] wishes this unlimited authority for change because he says things happen every day requiring change. He does not tell us anything that has happened in the last 12 months, since the war began, which requires a change.

Mr. OVERMAN. I named 12 bills which we passed, which passed both bodies unanimously, where the departments had to come here to get authority for this and that. Nobody objected to the bills, and it took up the time of the Senate to pass them.

Mr. SMITH of Georgia. I repeat, the Senator does not show us anything that has happened during the past 12 months that he now desires changed in the civil establishment, and the Senator has not corrected me in his statement. There were some things that were suggested before the war. In our committee, and we freely have given you what happened in the committee, the Senator did suggest that our lighthouse system, our life-saving system, and our Revenue-Cutter Service ought to be coordinated, and that we ought to have authority to use them in the Navy in time of war. I agreed with him, and called his attention to a statute that had already done it, and this bill was not needed for that purpose. He called attention to the Geodetic Survey. Here is the statute that already places the ships of the survey under the Navy. What else? Where else? Oh, "it happens every day." I do not want our civil establishment torn to pieces by ill-advised suggestions presented every day. You can not improve upon it in that way. It is against an ill-advised, every-day disorganization of our civil establishment that I am now urging the modification of this bill.

But the Senator from North Carolina says that our civil establishment is in a state of confusion. The Senator is mistaken. There was a rather confused description of it by my friend from North Carolina, to whom I am probably more closely attached than I am to any other man upon the floor of the Senate. My people have loved his people for a century. But the Senator did not have an accurate knowledge of our civil establishment.

I served three years and a half in the Interior Department. The Senator says he wants to give the President scissors to cut the red tape. I pause to ask the Senator to name a piece of red tape in the civil establishment created by statute. He can not do it. There is not any.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. Yes.

Mr. THOMAS. I do not know that I can point to any instance of red tape being created by statute, but I can point to one which results from a statute and operates very seriously in the section of the country where I live.

Mr. SMITH of Georgia. I would be glad to yield for a question to the Senator.

Mr. THOMAS. Just one sentence. I merely want to refer to the fact that placing the Forestry Bureau under the Department of Agriculture instead of the Department of the Interior, where it belongs, is a source of very serious embarrassment and difficulty in the West.

Mr. SMITH of Georgia. I am not prepared to say it was not a mistake, but there are a great many people who think it was wise. The first legislation developing the forestry system was drawn and sent to Congress when I was Secretary of the Interior. I had the honor of drawing it, at the suggestion of the Academy of Sciences. It was brought to me by Mr. Gifford Pinchot, who was appointed on a committee to help prepare legislation.

There is red tape in the departments, but it grows out of departmental orders, of departmental practices, and not out of statutes. The President has the scissors, and has had them for four years, and the heads of the departments have had the scissors for four years. When I took charge of the Department of the Interior I found the business of the department administered by bureaus. Each of these bureaus had a director.

There were from 500 to 3,000 employees in each one of these bureaus. They did the work and sent their communications to the Secretary for his official action, and he acted and sent the work back to them for execution. It took from 7 to 10 days for a communication to reach the Secretary and for the action of the Secretary to get back to the bureau. I found it out a week after I took charge. I found that a communication from a bureau went to the chief clerk. He sent it to the division charged with the responsibility for the work upon that particular bureau. Around the Secretary's office there were six divisions with a chief, and about 10 assistant clerks who for the Secretary worked over and prepared suggested action for him upon requested action by the bureaus. A communication would come from the Land Office. It would come to the chief clerk. He sent it to the chief of the land division. He handed it out when he got ready to a law writer or clerk in his division. He worked on it. He handed it back to the chief of division. The chief of division initialed it and sent it to the chief clerk. The chief clerk sent it to an assistant secretary who initialed it. The chief clerk initialed it and then brought it to the Secretary. The Secretary acted on it and sent it back to the bureau. I asked the chief clerk to explain the paper he had initialed, and he knew nothing about it. I asked the assistant secretary to explain it, and he knew nothing about it. I asked the chief of division, and he knew nothing about it.

I at once directed that no initials be put on any paper coming to me by anybody where the party putting the initials could not discuss the subject without looking at the papers. I asked why all this delay and useless circumlocution? They said it was the practice of the department, and they thought there was an order requiring it. It took only five minutes to dictate and sign the order to the chief clerk to send to each bureau a direction that in the future their communications go direct to the division which would handle their matter, and instructing the chief of the division to bring bureau communications to the Secretary's office by 3 o'clock the same day they reach the division. The chiefs of divisions were startled. Then I said at 9 o'clock the next morning, "You will have all night, if necessary, to work on them"; and in 48 hours we changed the system so that communications from the bureaus received their answer from the Secretary's office in 24 hours. There was departmental red tape. I did not have to come to Congress to get any scissors;

I had the scissors. It only required a little common sense to clip the red tape, and to move the business of the department forward.

I want to contest the suggestion of the Senator from North Carolina that the departments are loaded down with red tape that it needs statutes to relieve. They need only a little executive ability and firmness. They need to step on some customs and step on some men who like old customs. That is all. It does not need interference by the President. We need not call on the President to carry this great responsibility. Heads of departments can cut out the red tape. The Secretary of War by an order could shorten the length of time it now takes to get action through the various branches of the War Department and force it to the final place in 24 hours.

But the Senator from North Carolina says that Mr. Taft agreed with the provisions of this bill. Why, Mr. President, the Senator could not be more mistaken. President Taft, after nearly four years as a lawyer in a department, then at the head of a department, and then as President, conceded that he was not in a position to reorganize the civil government of the United States, for he asked Congress to create a commission of, I think, 10 men to work upon the subject. With all of his experience he did not pretend that he could change every day, in a few minutes, the organization of our civil establishment. He knew he could not do it except by creating confusion.

I do not believe, if this subject were fully explained to the President and he could give two days to its consideration, that he would for a moment ask any such legislation. I have the greatest confidence in his ability; nobody questions his patriotism; he has a marvelous capacity to grasp with wonderful rapidity any proposition that is laid before him; but you must be ready to contest a preconceived view if you wish to reach a sound conclusion. It is in the conflict of intellect, not by absolute concession, that truth is worked out. It is the conflict of intellect on the floor of the Senate that helps to perfect legislation; and the Constitution of our country, which I love, prescribes that as the way to perfect legislation.

What did this commission appointed by Mr. Taft report? Ninety out of a hundred of its suggestions dealt wholly with departmental administration. It suggested a few statutes, practically all of which except three have been passed. One was a change of our mode of selecting civil-service clerks. Now we allot a certain portion to each State, while that commission recommended, without regard to States, the selection should be made solely upon the grade of the applicants; but nobody ever introduced a bill to carry that suggestion into execution; nobody has suggested from the executive department during this administration or the last administration that it should be done.

We have six auditors. We have no budget system. The Senator from North Carolina suggested that we have a consolidation of our six auditors. This recommendation was made, I think, four or five years ago by President Taft's commission; but the President has never recommended its adoption; the Secretary of the Treasury has never approved it.

Let me digress to say that I believe the time will come when this country will concede that no Secretary of the Treasury has ever shown greater executive ability or organizing capacity or done more for his country than has the present Secretary of the Treasury. He has not asked for this legislation. Why should we consolidate the auditors? I think it would be unwise to do so. The Post Office Department is a great big department. It is as much as one auditor can handle. The War Department is another big department; the Navy Department is another, and so on. Why undertake to put all those duties on one man? If the Secretary of the Treasury will say that he wants this, I will vote for it; I have every confidence in him; but he has not said so, and he has been Secretary of the Treasury now for five years. Surely this is not what the President wants to do.

But the Senator from North Carolina says our finances are confused; that we have estimates from different sources sent to us; and that we ought to have a budget system. Senators, we might have a budget system in time of peace; I think probably we should; but we can not have it in time of war. Who in the Treasury Department is prepared to revise the estimates of the War Department and say they are unwise? Who in the Treasury Department is prepared to revise the estimates of the Navy Department and say they are unwise? Why, you would have to transfer to that budget committee your ablest soldiers and your ablest naval officers. The President has not said that he wants a budget system, and if you will ask the Treasury officials to-day they will tell you they could not handle a budget system in time of war.

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. I do.

Mr. KELLOGG. Does the pending bill provide for or authorize a budget system?

Mr. SMITH of Georgia. No; but it authorizes the transfer of all functions to any agency or person, and the President could transfer the functions attaching to the various departments to somebody in the Treasury Department and say that thereafter the duty of making estimates for the various departments should be performed by that one central authority rather than by the departments themselves. This bill would allow a budget system, which I think at this time would be very unwise. Surely we do not want that done in a minute.

But the Senator from North Carolina says these difficulties arise every day, and he wants to change them every day. Oh, Mr. President, if we change our financial system on the spur of the moment, if we consolidate our auditors on the spur of the moment, if we stop the War Department and the Navy Department from making estimates for their own operations on the spur of the moment, what shape will we be in to win this war?

The Senator from North Carolina has but one object. He says, "I want to pass this bill in order to win the war." I want to amend this bill in order to win the war; I want to prevent confusion; I want to prevent this suggested folly, because we need all our resources, all our strength, and all our power to win the war.

Where is there anything left which the Senator from North Carolina claims should be changed in the civil department? The Senator from North Carolina filed with the committee a pamphlet making suggestions of duplications of work in the departments. In the first place, I want to say that the act of 1917 authorizes the President, where he finds duplications to exist, to bring them to an end by stopping them at one of the two places. So he has now the authority to stop duplications of work. But let us see what the Senator from North Carolina, or some not thoroughly informed person who furnished him the information, thought constituted duplications to be abolished by this bill. I am familiar with some of them.

First, the Bureau of Soils in the Agricultural Department is working on potash and the Geological Survey is working on the problem of potash; therefore, according to the Senator's pamphlet, there is a duplication, and we should make a consolidation. Now, let us see what would happen if the President had listened on a moment's notice to such a suggestion from the person who furnished the Senator from North Carolina this memorandum. The Geological Survey is organized with skilled geologists. They study the soil, determine the geology of the rocks, and advise the Bureau of Soils in the Agricultural Department of the existence of potash in certain formations. The Bureau of Soils has scientific chemists in the Agricultural Department. They take up the subject, without duplication, and follow it on, testing substances and learning how economically to separate the potash from the other substances. They go further, and study plants, and when they find potash in them they study the problem of its economic separation. That is no duplication of work. But how would this expert who advised the Senator from North Carolina proceed? He would transfer the geologists from the Geological Survey, where they are working upon the potash problem, to the Bureau of Chemistry of the Department of Agriculture, and what would they do the balance of their time after they finished conducting their investigation to find the potash? Or he would transfer the chemists who are working on the potash problem in the Bureau of Chemistry to the Geological survey, and I want to know what they would do there after they finish their analysis with reference to potash? It may on its face look as if there were duplication, but any successful effort at consolidation would have involved horrible waste of the time of valuable men.

Next the Senator refers to the Bureau of Foreign and Domestic Commerce and the foreign-trade advisers. He says there is duplication. Whoever furnished him that information was not familiar with the work of either of those organizations. I wish to say that the organization of foreign-trade advisers has been developed during this administration. There was in existence such an organization before, but the extent of their service, the character of their service, has enormously increased as a result of the war. The Department of State has been compelled to lean upon them as never before; and instead of this administration desiring to consolidate them with the Bureau of Foreign and Domestic Commerce, which does an entirely different work, their duties have been increased and their responsibilities enormously enlarged since the beginning of the war.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. SMITH of Georgia. Yes.

Mr. KNOX. The foreign-trade advisers were established in 1910 under an appropriation made by the Congress to promote foreign trade. That was the first time in the Department of State that such an office existed, and the Senator from Georgia is entirely correct—and I am glad he has put some emphasis upon the proposition—that their function is entirely separate from that of the foreign-trade agents of the Department of Commerce. The foreign-trade advisers of the Department of State are part and parcel of our foreign machinery and, through diplomatic and political and other contact with foreign nations, make the opportunities which the foreign-trade agents in the Department of Commerce improve upon and operate under.

Mr. OVERMAN. Mr. President, does not the Senator think that it is better to have all that in the State Department rather than to have a part of it under some other department?

Mr. KNOX. I beg the Senator's pardon.

Mr. OVERMAN. Does not the Senator think that that work could be better administered in one department than in two departments?

Mr. KNOX. I think that both departments sustain their natural and indispensable relation to the work.

Mr. OVERMAN. I ask the Senator the question whether he does not think this could be better administered by the State Department than by the Department of Commerce?

Mr. KNOX. I always thought so until Congress provided otherwise, but I understand now that the arrangement works very well.

Mr. OVERMAN. Did not the Senator himself advocate that?

Mr. KNOX. I certainly did. I strenuously opposed the separation of the functions; but, as I have indicated, I am candid enough to say that I think the arrangement is working very well under the present system.

Mr. SMITH of Georgia. Now, Mr. President, I have had considerable relations with both. I think that they work splendidly as separate organizations. Their work is entirely separate. The foreign-trade advisers since the war began have been charged with looking after, for the State Department, many contracts of American citizens and many rights of American citizens already existing, which have been involved in injury as a result of the war. These men have been the arm of the Secretary of State in helping the Secretary of State care for the rights of American citizens transgressed as a result of the war.

I come now to another place where the Senator finds duplications. He refers to the Bureau of Education, the agricultural extension work of the Department of Agriculture, and the National Board of Vocational Education. Some expert who has advised him wants to consolidate them. Why, Mr. President, the whole Department of Agriculture is an educational department; its work is the work of scientific investigation to be carried to the farmer for his education, and it brings immense returns to the country.

During the present administration we prepared the bill for the extension of agricultural work from the colleges of agriculture and experiment stations, and put it under the Agricultural Department, which was the only proper place to put it. They have their experts; they are prepared to administer it. The bill creating this extension work was introduced by me. It was prepared by five presidents of colleges of agriculture who had been working upon it for years, and by Dr. True, of the Agricultural Department, with such little assistance as I could give them, it having been a subject which had interested me theretofore, I having induced my own State when I was governor to inaugurate a system of agricultural extension work from the college of agriculture of Georgia, which had been so helpful that I wanted all the States to have a like benefit. I do not want any experimentation with that.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. SMITH of Georgia. Yes.

Mr. VARDAMAN. I want to ask the Senator if by any stretch of imagination he could possibly reach the conclusion that the President, under the power given in this bill, would overthrow, disorganize, and destroy established institutions?

Mr. SMITH of Georgia. I answer that here is the memorandum of the things that could properly be changed, furnished by the Senator in charge of this bill.

Mr. VARDAMAN. It seems to me that indulging the presumption that the President will do anything of the kind would justify the likening of the President to the proverbial bovine in the china shop. If such a thing is possible I could

not think of voting for this bill. But I can not conceive of the President overturning established institutions which are the result of years of careful thought and mature deliberation. Nothing short of great emergency would justify such a thing.

Mr. SMITH of Georgia. Mr. President, I can not conceive of my voting to authorize anybody to do it. That is why I am objecting to some features of this bill. I do not know what the President wants to do. He has not told us. The Senator from North Carolina says that he has come here and told us just what he wants to do. In the first place, he has not come here. We hear that this bill was handed to the Senator from North Carolina. The President has not come here, and he has not told us anything that he wants to do, and this bill does not tell us anything that he wants to do. I am trying to find out, from what has been said by the Senator from North Carolina, who has charge of it, what he wants to do.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. I do.

Mr. LODGE. I should like to ask the Senator, in connection with the little colloquies he has been having, whether he does not think it is a good general principle not to grant powers on the theory that they will not be used?

Mr. SMITH of Georgia. If they are not to be used, and we feel so sure that it would be improper for them to be used that we trust they will not be used, we ought to trust ourselves not to grant them.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me just a moment, I should like to suggest that we have granted so many unusual powers to the Executive—we have had to add so many things in faith—that I am afraid if we should stop right now the patient might suffer from the change of treatment. And I do not want to be responsible, even in part, for the enactment of any measure or failure to enact any measure that would in any way hinder or embarrass the President in the performance of his great function in this emergency.

Mr. SMITH of Georgia. Mr. President, I do not think the Senator from Mississippi can be serious, and I am sure he has made by his statement no argument in favor of this bill. I regard his statement as one of criticism of what has been done, rather than of approval of what is suggested.

Now, let us go one step further. He says the Vocational Education Board is a duplication. Why, let us see. The President appointed a commission of 10 to prepare a plan for national aid to vocational training. I had the honor of serving with my distinguished friend from Vermont [Mr. PAGE] upon that commission. A splendid board worked with us. We prepared this vocational education bill after weeks of labor. We duplicated nothing in the Agricultural Department and we duplicated nothing in the Bureau of Education. We created a board composed of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Commissioner of Education, an expert in commerce and manufactures, an expert in labor, and an expert in agriculture, making a board of seven. In that way we coordinated the work of all the bureaus, of all the departments, and that board is proceeding to do a great work. If I did help prepare it, I admit that it is a great bill. I wish the name of the Senator from Vermont were in it. I do not say I wish it were there in place of mine, because I am a little glad mine is in it; but though I happened to have my name in it because the change of the politics of the Senate made me chairman of the Committee on Education and Labor, and therefore I had charge of it as chairman of the committee that prepared it, I never intend to let a chance pass without seeing that the Senator from Vermont gets the credit that his splendid work deserves.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. SMITH of Georgia. I do.

Mr. LEWIS. I have been waiting for the Senator to get to a juncture where I could interrupt him without disarranging his argument. As he goes along, I wish the Senator would suggest to me what he means by his constant reference to the civil establishment, so that I can have it distinguished.

Mr. SMITH of Georgia. I divide our executive activities into the military and the civil. I mean by the civil the Department of State, the Treasury Department, the Interior Department, the Post Office Department, the Commerce Department, the Labor Department, and the Agricultural Department; I mean the Interstate Commerce Commission; I mean the Federal Reserve Board; I mean the Civil Service Commission. On the other hand, I classify as military the Navy, the Army, the Shipping Board, and the Emergency Fleet Corporation, which to-day are really engaged in operation for military purposes.

Just one word more about this memoranda of the Senator from North Carolina. It is in print. It is furnished as a basis for interference with our civil establishment. He proposes to break down our National Vocational Education Board; to break down our agricultural extension work from the colleges of agriculture, our Bureau of Education. They are splendidly coordinated. They are the result of days and weeks and months and years of study by experts. I do not refer to myself as an expert. Is some one to come to the President and each day to suggest changes in matters of this kind, and is he to act upon them on the spur of the moment? If the President had the time to study these three branches of our civil establishment, I would have the utmost confidence in his judgment; but he has all that a human being ought to be asked to do to perform his labors as Commander in Chief of the Army and the Navy. He can not handle this work, and threatened change is dangerous; and the changes suggested by the Senator from North Carolina are objectionable and dangerous.

Here they are, Senators. I am not creating them. Here is his little pamphlet, with the places where he says there is duplication and which he wishes to tear to pieces; and I show you in each instance he is wrong. I do not charge the President with having approved anything of the kind. I do not believe he did.

Mr. President, I come now to the two most important organizations to interfere with which would impair our power to win this war. I refer to the Interstate Commerce Commission and the Federal Reserve Board.

We have just had the question of the Interstate Commerce Commission before us. A bill was sent to us providing for the removal of all authority from the Interstate Commerce Commission, and placing it all in the hands of the Director of Railroads. The Director of Railroads could not have exercised it. He could not have changed the rates. He could not have studied problems of classification and discrimination. That will be done by the superintendents of railroads scattered all over the United States, from the Atlantic to the Pacific, from the Gulf to the Lakes, and as the bill came to us those superintendents would make the changes of rates, the changes of classifications. They could have put a rate on a particular commodity at a particular place that would run any industry out of business. They could have put a rate on a particular locality that would paralyze the business of the locality. It would not be done by the Director of Railroads. He could not have done it. It would be done by the local superintendents scattered all over the United States. Parties injured would not be heard to protest. And the Senate, by an overwhelming vote, amended that bill, and reserved the right to the Interstate Commerce Commission to finally decide upon a rate, to finally determine whether it was discriminatory.

I am not so much disturbed about raising rates. They will be raised. I am disturbed about discrimination, about an excessive rate put upon a particular place or a particular commodity for the purpose of preventing the movement of a commodity. You might think that would be impossible; but after we have had the experience of Dr. Garfield's order, suppressing the sawmills in Florida, Georgia, Alabama, Louisiana, and Mississippi to save coal, when they never used any coal, but furnished their by-product to warm the communities in their neighborhood, and to open up the port of New York, when their products did not go to New York, I do not know what might happen.

The President approved the Garfield order and defended it. Of course, he had not had time to study it. If he had had time to study the order in its far-reaching effects, if he had realized local conditions all over the Union, as no one human being does, he never would have approved it. It is not lack of confidence in the President; it is the consciousness that you put upon him the impossible. To ask him to pass upon the Garfield order, with his many other duties, was to ask him to do something which was superhuman, if you expected his passage upon it to be his careful, deliberate, finished judgment.

I say that the transfer of the powers of the Interstate Commerce Commission to the Director of Railroads would be a transfer to the superintendents of the various railroads of the right to destroy any industry they saw fit, or any community they desired. I never will vote for a bill which contains such a power. I would rather retire from office to-morrow, with the knowledge that I never could be elected henceforth constable in my State, than to injure my people and injure my country and jeopardize my country in this war by voting for such a measure.

Senators, think about it! You hang a threat of ruin over every industry and every community in the United States at the whim of a local railroad superintendent! That is what this bill does. I think that the most serious injury that might

befall us from passing this bill without amendment. Whether the President transferred them or not, the mere possibility that any President during this war might do so would check activity by the cautious man and make him hesitate about his business. It would place a restraint on the whole country. It would threaten our productive power, and this war is not only to be fought by men; it is to be fought with resources. You strike at our resources, and then say to me you want to do it to win the war! Ah, I would save them because I want to win the war. I would save them because I know it is necessary to save them in order to win the war.

Now I come to the Federal Reserve Board. This bill will allow all the duties of the Federal Reserve Board to be transferred to the Comptroller of the Currency. Any President during the war can do it. Mr. Wilson may not be President during the whole war. We do not know how long it will last. No man has a lease on life. What President? Frankly, I would not give it to any President. I would give it to President Wilson quicker than anybody else I know if I were sure he still did not want to transfer the powers of the Interstate Commerce Commission to the Director of Railroads. Within the past few weeks he did. Within the past few weeks we had an administration bill to take over the railroads that did it.

Mr. CUMMINS. Mr. President, would it interrupt the Senator if I were to ask him a question?

Mr. SMITH of Georgia. Not at all.

Mr. CUMMINS. It relates to that point. If this bill is valid under the Constitution, which I deny, it authorizes the President to assign his functions to any person whom he may select. He can assign all of the duties which we give him under this bill, or all of the duties which the Constitution assigns him, to any officer of the Government whom he may select for that purpose. He is not obliged to exercise these functions himself.

Mr. SMITH of Georgia. He could select some man to study it, to work it out for him, and to bring him a report. He would not have time to study it.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. SMITH of Georgia. I do.

Mr. KNOX. There is plenty of precedent for the President assigning his powers in constitutional government. Down in Central America and some portions of South America they do it under the denomination of depositing the power. You all remember the historic incident of Castro depositing the power with Gomez when he was about to take a trip abroad. When Castro returned Gomez forgot to redeposit the power and is still President of Venezuela. It is a power that must be carefully exercised.

Mr. CUMMINS. I gather that it is one of the purposes of this bill to put our Government in the same flexible situation in which many governments of other countries may be unfortunately. I am only asserting that under this bill, as it is drawn, if it is constitutional the President could select a deputy president and retire wholly from the discharge of his duties and the burden of his responsibilities. I do not suggest that he would be inclined to retire wholly, but I do suggest that he would be inclined to transfer some of the functions with which the law has clothed him to some other officer of the Government.

Mr. SMITH of Georgia. The President would be compelled—

Mr. LEWIS. Mr. President—

Mr. SMITH of Georgia. One moment. The President would be compelled to select some one to look into it for him. Finally it would be his act when he approved the result of the work of others.

Mr. CUMMINS. May I suggest to the Senator from Georgia it would not be necessary for him to do that. His is an office covered by this bill. He can transfer that office or any function of that office to any other department or officer of the Government the function or power which we attempt to confer upon him in the bill, and if he were to do that and his act is valid, then that other person or officer could use his own discretion or judgment with regard to the matter himself.

Mr. SMITH of Georgia. I am not prepared to go quite as far as the Senator from Iowa has gone, but I will not discuss the subject now. I yield to the Senator from Illinois.

Mr. LEWIS. Mr. President, as I expect to take the floor following the able argument of the Senator from Georgia I did not interrupt him from time to time, but at this point I wish to say that there is nothing in this bill, as I see it, that could authorize the conclusions of the eminent Senator from Iowa to the extent of any President naming a deputy president. As to the Senator from Pennsylvania [Mr. Knox], making a some-

what humorous allusion touching the administrations of South America, I wish to say that now, under the law, the President of the United States does daily convey and confer many of his duties as President to certain arms known as members of the Cabinet that are the duties of the President. He conveys them now, and he has conveyed them for 50 years. It was a law under the administration of the Secretary of State, now Senator Knox. But let it be understood, he may convey some of the duties, but he can never transfer the responsibility, and there is where the distinction is drawn.

Mr. CUMMINS. For just a moment; I simply want to call the attention of the Senator from Illinois, when he comes to discuss this matter, to this language in the bill among other powers.

To transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another.

He is an officer of the United States and enjoys that office, and any function or duty or power which he may now exercise under the Constitution and under the law we authorize him to transfer to another. He will have, of course, the moral responsibility for that transfer, but the responsibility of the act of the officer will not be the responsibility of the President of the United States.

Mr. SMITH of Georgia. Mr. President, without being changed from the line of discussion that I was myself presenting, I wish now to take up the subject of the Federal Reserve Board. They have the confidence of the banks of the country. Our banking system is operating wonderfully. That is due to the Federal Reserve System and the Federal Reserve Board and to the confidence the banks of the country have in that board. It would be almost criminal to put in jeopardy the power and the responsibility of that board. If their powers were transferred to the Comptroller of the Currency or to some Auditor of the Treasury Department financial chaos would follow; our whole banking system would be disrupted. I would never vote for this bill without a provision exempting the Federal Reserve Board from its operation.

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I wish to say that I am opposed to this bill as drawn and favor amendments taking the civil establishment out from under its operation because no changes are needed in the civil establishment. They ought not to be made in time of war. The President has all he can do to perform his duties as Commander in Chief and we should not place such an additional burden upon him.

I shall especially urge amendments to exempt the Interstate Commerce Commission and the Federal Reserve Board from the operations of the bill. There the chief injury to the country might come. There the whole Nation in its productive power and banking resources might receive paralysis. It would certainly receive a blow and find a monkey wrench thrown into its midst if we even passed a bill without exempting those great boards so necessary to our industrial and financial prosperity.

I am aware of the fact that the President of the United States is wonderfully popular, and deservedly so. I am aware of the fact that he is the idol of the American people. I am aware of the fact that in my own State many of my best friends would have me follow anything without amendment that had administration approval labeled on it. But are we to consider our own interest? Politically it would be easier for me to take that course. Politically it would be popular even in my own State. A vast majority of the people are devoted to the President, and many of them think Congress should do anything he suggests or adopt anything with administration approval without change and without amendment. That would be the easy course, to do nothing to serve my country but to serve myself. But are we here simply to seek the retention of office? Are we here simply to seek new commissions for further service, or are we here to seek really to serve?

Ah, Mr. President, in this hour of the trial of our country, in this hour when every strength should be given to win the war, a Senator should be ready to help win the war by doing what is best to win the war, if he knew by doing what was best to win the war he must give up his commission as a Senator. So I ask, now, Shall we save our political fortunes, or

shall we do what we know is right? If Senators follow their convictions without regard to political fortunes this bill will be amended by an overwhelming majority. I appeal to a sense of duty, to a sense of patriotism, to the courage of Senators.

Mr. LEWIS. Before the Senator goes further, differing from the Senator very much—

Mr. SMITH of Georgia. If the Senator desires to ask me a question I will yield.

Mr. LEWIS. I wish to ask the Senator—differing from him; nevertheless much that he is saying is interesting—I should like to know if he can enter into some reasons why those amendments should be adopted, and why civil boards or commissions should not be included.

Mr. SMITH of Georgia. If the Senator has not understood what I said, I can not make him understand. I have been engaged in that very task for the last half hour. I have demonstrated that nothing has been shown which needed a change in our civil establishment. I have shown that suggested changes would be blunders if adopted, and I have shown that to jeopardize the work of the Interstate Commerce Commission might paralyze the industries of the country, and to jeopardize the work of the Federal Reserve Board, to subject its functions to be changed or transferred to an auditor of the Treasury or to the Comptroller of the Currency, would break the confidence of the banks of the country in our banking system, and bring on financial chaos. I will not repeat further. I trust the Senate has gathered even from these additional remarks somewhat of the thought that is in my mind.

Again I wish to say, Mr. President, that to-day, at this hour, we should rise above the desire for political preferment. It is our duty to perfect legislation, to carve out of it any portions which we see will injure our country and hinder the winning of the war, and this we must do without regard to our own future. This we will do to help save our country if we sacrifice ourselves.

Now, let me close in the language of a great Senator who once represented Georgia here, "Who saves his country saves himself, saves all things, and all things saved do bless him. Who lets his country die, dies himself ignobly, lets all things die, and all things dying curse him."

Mr. LEWIS obtained the floor.

Mr. FLETCHER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Smith, Md.
Bankhead	Harding	McNary	Smith, S. C.
Beckham	Henderson	Martin	Sutherland
Borah	Hollis	New	Swanson
Brandegee	James	Norris	Thomas
Calder	Johnson, Cal.	Nugent	Thompson
Chamberlain	Jones, N. Mex.	Overman	Tillman
Culberson	Jones, Wash.	Page	Townsend
Cummins	Kellogg	Penrose	Trammell
Fall	Kendrick	Pittman	Vardaman
Fernald	King	Ransdell	Wadsworth
Fletcher	Knox	Shafroth	Walsh
France	Lewis	Sheppard	Wolcott
Gallinger	Lodge	Sherman	
Gerry	McCumber	Smith, Ga.	

Mr. SUTHERLAND. I wish to state that I have been detained from the various roll calls to-day on account of official business. I wish also to announce that my colleague [Mr. GORFF] is absent owing to illness.

Mr. JONES of Washington. I desire to state that the junior Senator from Kansas [Mr. CURTIS] is necessarily absent on business of the Senate.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present. The Senator from Illinois will proceed.

Mr. LEWIS. Mr. President, it is my purpose at this time to address myself to the features of this bill as I see the bill, likewise to address myself to the objections tendered to the bill as I understand them. I am bold enough to assert that many positions have been asserted here as opposition to the bill that can not be sustained by anything that is in the measure; that many presumptions have been indulged which can not be justified from any phraseology of the measure; and that fears have been expressed as to what may be done under the bill where there is no provision in the bill to either excite the fear or to excuse it.

Mr. President, I have heard on the floor that this was a bill handed by the Postmaster General to the eminent Senator from North Carolina [Mr. OVERMAN], who is serving as sponsor for the measure in a parliamentary capacity, and I have heard it intimated that therefore the bill is to be regarded as a mere

direction from some executive source coupled with some order to pass it without regard to the merits of the measure or the justice of its provisions.

Mr. President, I can have no knowledge whether the Postmaster General handed a bill to the Senator from North Carolina or whether the bill handed by the Postmaster General expressed his own views and those of the President or those of the Senate. I must take it, sir, for granted that if this bill was reported from a committee such as the Judiciary, made up of reflective and intelligent Senators—of patriotic men—they have considered its provisions; they have entered into an investigation of its merits; and they have reached a conclusion as to its necessity, its propriety, and justice. It does not matter to me from whence came the bill originally nor who drew it, or what draftsman inscribed it, or through what agency it found its way to a committee of this body. I prefer to look at once to the fact that it is presented to this honorable body bearing the commission of an intelligent and able agency of the Senate and that that agency has given this measure its approval. From that premise I am pleased to start my first reflection upon the merits of the bill.

Mr. President, the Senate is to be congratulated upon the manner of presentation by the senior Senator from North Carolina [Mr. OVERMAN]. Without passion, divorcing himself from every suggestion of partisanship, with a spirit of apparent fairness, with a desire that clearly suggested willingness for information from any source—he presented this measure and all the reasons he had to sustain it. This he did with such thoroughness, in such lucid style, with such clearness of reasoning, that he should be commended by this body, and the constituency which he represents would have the right to feel a sense of honor in the enjoyment of the credit the distinguished Senator takes from this tribunal.

It is, of course, Mr. President, impossible for any man opening a discussion, as the Senator from North Carolina did upon this measure, to state all the things that the bill would comprehend, nor all the reasons which might arise to justify it, or to anticipate the objections which can be urged to it, or to apprehend the fear which the oversensitive may address toward it.

Many of the things which have been expressed to-day and through the days past I shall refer to possibly at the expense of the patience of the Senate, but only shall I advert to them that I may in my own manner demonstrate how without foundation the fears are as expressed, and how without merit are the objections which have been voiced.

Mr. President, the first question is, What is this bill? I remember that as I delivered what was the most immortal oration of time (this, of course, being my salutatory at a college) [laughter], as I left my university I took the opening paragraph of Webster's famous reply to Hayne, beginning with that clause that when a mariner starts out upon a journey he turns to his compass and chart that he may behold his course; from the chart sees his way and from the compass measures his distance. The object of Webster at that time, of course, was to invite the Senate back to the real question that was comprehended in the resolution of Mr. Foote, of Connecticut, which had been tendered then in respect of public lands, upon which the great discussion of the rights of the States, as presented by their advocates, and the sovereignty of the Union, as presented by its champion, was based.

May I be so bold as to apply the sentiment of the great Senator from Massachusetts and ask of this Senate that it pause and consider the chart; that we reflect a moment upon the compass and see what is the thing that we are undertaking—what is the course to which we are invited; what are the waters upon which we are to sail; what is the vessel upon which we are to take passage, and what is the ultimate harbor of our destiny? The privileges of this body in all discussion permit any Senator to vary from the subject matter into every field conceivable, and of that I express no dissent. There is no wiser provision than that which permits a Senator to enter any field of investigation, express any sentiment that engages him at any time on this floor, that it may serve a warning to our community at large that here in this forum anything transpiring in this Republic can at any time be referred to for the purpose of either staying its course, correcting its purpose, or prohibiting its object.

But at this particular time, sir, I am not called upon to emulate the example of these distinguished Senators by departing at all from the real provisions of this bill, and it is to the measure that alone to which I ask the attention of such Senators as can give me their thought, from which we may gather the object of the proposed legislation.

As the bill comes from the committee and presented to the Senate we read:

For the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary.

Passing, then, further to that which may add to this illustration:

That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

Mr. President, I can not but concede that any Senator reading the bill must see that the fears expressed by the eminent Senator from Georgia [Mr. SMITH], the very brilliantly persistent and persistently persevering Senator from Missouri [Mr. REED], or the experienced and alert scholar of government, the Senator from Pennsylvania [Mr. KNOX], have been founded largely upon an assumption of things which have no existence, born of the fabric of a dream, which, upon investigation, leaves "not a rack behind." The bill has but a single purpose, as certified by this committee. It is for the purpose of consolidating the agencies and offices now in existence, permitted by law, through which the President as Commander in Chief of the Army and Navy, as specifically recited in the bill, may utilize, to the object and end of further executing the purposes that the Commander in Chief has to carry out the prosecution of the war.

At the outset, Mr. President, let us now have a fair understanding. I differ from much of the premises of the Senators making objection to this bill, first, upon the ground that the matters they say exist, I assert, have no such existence in the bill. Second, I profoundly differ from them in their conclusions, because I hold, as I set forth to the extent of my capacity in the debate on the food-control bill, that in time of war the Constitution of the United States, aye, without a letter of legislation, commits to the President, in his capacity as the Commander in Chief, a power beyond that which as civil magistrate in time of peace he is authorized to execute. I do respectfully insist that the very words in this measure to coordinate these different departments and their offices, in order that he may be enabled to utilize them, is but the appropriation of sentences which have been used upon this floor and upon the floor of the coordinate branch of the legislative body since 1836, with such frequency in legislation that there ought not now be any Senator occupying a seat in this body—all of whom are learned and qualified—to dispute the limitations that have ever been put upon them and the extent to which they have ever been exercised.

What is there new, what is there novel, what is there so extreme in these provisions of this bill as could authorize the eminent Senators upon this floor hurling out to the public a fear, which comprehends a danger so large and so overwhelming, as these Senators present to the mind of the reading citizenship, suggest to the reflection of the thoughtful, and tender as food for those who wish to oppose the administration? Those who in all government who, having no ground upon which to rest opposition they ever urge as to everything—as to take the arguments of these eminent Senators as their specious reasons for doing a thing which, without, they would have no excuse to offer, and for reasons for opposition they are seeking wherever they can for some justification.

Does any man deny the necessity for the elimination or consolidation of many of these offices which are now held by executive agents? Does any Senator deny the wisdom of an immediate coordination and putting under a single head many of the duties which are performed by various branches? Truly and really there are departments which are Argus-eyed, Briarean-handed, and, I may add, Gorgon-headed—producing, as it does now, confusion; and as the eminent Senator from North Carolina [Mr. OVERMAN] in his opening explanation in the presentation of the bill well said, not only confusion but complications. Will a Senator here fail to recall that under the inquiry of the junior Senator from Tennessee [Mr. McKELLAR] before the Military Committee, Gen. Sharpe, to whom the Senator from Georgia referred, testified that it took nearly a week for a communication addressed to him upon a certain subject, which was under his jurisdiction, but which had to be sent to an under officer, from that under officer then to the Adjutant General, from The Adjutant General back to the under officer, from the under officer, carrying his visé, back to him, the supply officer, the quartermaster; and that, however

urgent were the demands of that department, 10 days had elapsed before an ordinary request for, if we recall, needed uniforms in trying chill of weather could be even ordered, much less procured?

I mention that very simple illustration at this time in order that Senators may realize that if that could apply in so serious a department as the War Department and under circumstances of such impending nature as that to which I have referred, what will be said, upon reflection, of the other branches, which have grown up and multiplied through all these years, with their confusion, their divisions, their complications, and their embarrassment?

Mr. President, complaints have come from eminent Senators on the other side of the Chamber who, for purposes of designation, we speak of as Republicans, knowing at this time that the partisan distinction is wholly lost among most of us. I happened to be absent through illness for a few days when there were speeches made upon this floor by the eminent senior Senator from New York [Mr. WADSWORTH], the now senior Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Nebraska [Mr. HITCHCOCK], and others, to whom I need not allude specifically, but who, from their experience and investigation, called attention to the utter lack of coordination and the difficulties which had grown from that confusion. Among other things, the Senator from New York, being a member of the Military Affairs Committee, and the Senator from New Jersey, being a member of the Military Affairs Committee, indicted the administration from the floor because there had not been that prudence and exercise which they felt should have long been entered upon in lopping off certain branches of our Government, in consolidating other agencies of it, and bringing all into one unit of a whole, that we might economize many expenditures, direct the agencies with concentration, and bring quickly a result and some accomplishment.

Let us pause a moment and ask the single question how that could be done. The speech of the eminent Senator from New York was circulated throughout New York in the congressional election, which happened just a few days after his speech, as the basis for an assault upon the administration. This was to demonstrate that the administration in power was incompetent and to disclose that it lacked business capacity. I partook to some degree, sir, in those election contests. In every ward of the city of Brooklyn, where the contest was, the speech of the Senator from New York was circulated. His eminent colleague [Mr. CALDEN], in his complete presentation of what he felt to be his cause, used the speech of his colleague. My distinguished colleague [Mr. SHERMAN], who always adorns any assembly, and oftentimes flashes his wit through it like coruscations of lightning whenever he addresses an audience, did not hesitate himself in his speeches in Brooklyn, as did the distinguished Senator from Indiana [Mr. WATSON], to properly allude to these omissions as indicative of the fact that what the Government needed was business administration and the comprehension that the Nation was in war, and, being in war, should put men in public life who were devoted at the outset to the object of centralizing the powers of the Government, lopping off useless agencies, and coordinating its efficient branches in order to achieve the success to which we have addressed our lives and all our future—the winning of the war. Yet of these distinguished Senators on this floor, many of them are opposing the only measure which by law can do the thing these eminent Senators said was necessary if we were to succeed and for not doing which in the past they would have had us repudiated at the ballot box as unworthy.

Mr. President, let this be understood: The Republican administrations preceding us are not to be criticized, far less condemned, for not having taken these steps. Every Government has ever recognized a distinction between the time of war and the time of peace, and in the organization of its machinery has ever addressed itself in time of war to such organization as the war required, and after the war had terminated, as we well understand and as history records, has restored many of the agencies that apply in time of peace, withdrawing from the Executive much of the power which he had been authorized to exercise in time of war. The distinguished sage from South Carolina [Mr. TILLMAN], who has honored this body so long and is a reflection of glory to the State whence he comes, will recall, from his experience here in this body and his life in that State he represents, how many measures, to his own knowledge, which were called war measures at the time of the Civil War were afterwards repudiated by Congress and withdrawn when we were at peace, in order that our people should be tranquil in their neighborly relations, that the relative privileges of the different States might be restored, and the respective branches of government be exercised by the usual agencies, and the functions

of the Executive again be those of a civil magistrate of a peaceful country, as distinguished from those as Commander in Chief of the Army and Navy.

That was true even in the time of the War of 1812-1814; it was amply true, as appears, as we well recall, from the discussion of Mr. Corwin, of Ohio, and from the debate, which is historical, touching the war with Mexico. How well do we recall how Mr. Benton in the defense of Andrew Jackson specifically invited the attention of the body to the fact that all the things for which Jackson was then being condemned were war necessities and invited their attention to the fact that they were all gradually, as had been the habit of Government, being withdrawn, while the civil government's privileges theretofore enjoyed were being again restored. He was answering the animadversions of Mr. Clay, but it will not be forgotten by us that subsequently Mr. Clay merely sought the pledge that these provisions which he condemned would not be permitted to remain under the peaceful administration of the Government; and when it was made evident that the provisions known as war measures were to be forsaken when we returned to peace Mr. Clay withdrew his opposition to Jackson. It was because of that knowledge on the part of the Senate and of the House that the resolutions then pending for the consideration of the conduct of Andrew Jackson were withdrawn.

I only mention this that the historians about me may recall that there is nothing new in this discussion. There is nothing new in the fears excited on the part of eminent Senators; there is nothing novel in their expressions of doubt and danger; and, Mr. President, however creditable is the performance on the part of the excellent Senator from North Carolina and the committee that has reported this bill, there is nothing original in its construction; all have followed the well-beaten paths of legislation existing in this Government and in every other government which we recognize now as respectable in authority in the prosecution of war.

At this point I beg to call attention, sirs, before I enter upon the details of this bill, to the situation in a time of peace in England, in a time of peace in France, in a time of peace in Germany, those countries now being at war.

I beg to invite the attention of the Senate to the situation in these countries now, in view of the new legislation and the new methods of government which they have devised, I may say improvised, sir, for they are a mere collection of that which had previously existed during other wars or in other war legislation. How have they met a situation similar to this in their own country? By a form of concentration of power in the hands of those who have to administer the war exactly after the model of that which we now pursue ourselves, unless we shall feel that we, following in point of time, are using those as our models. Pardon me for imposing upon the Senate a dry recital at this moment as the basis for some conclusions which I wish later to draw.

On August 21, 1917, in Great Britain the Parliament passed an act known as the new ministries act. Pardon me, sir. You, Mr. President, who honor us by sitting in that chair, the Senator from Utah [Mr. KING], a scholar of government, will recall that the United States can not boast in justice to a greater democracy as to legislative powers than the Parliament of England; and, whatever we may say as to the form of government of Britain in some respects, justice will not let us insist that we are more thoughtful of the interests of the multitude when it comes to a question of an exercise of executive power than is the Parliament of Britain. So, sir, we have the illustration that that body on August 21, 1917, passed "a new ministries act," and created a ministry of reconstruction; and what did it do? I prefer to read portions of the act that I may not accidentally misconstrue it, and that I may not, of course, through lapse of memory, misquote it. To this ministry—an office which we do not have, but our Commander in Chief serves, as we well know, the parallel—full power was given, mark you, Senators, to consider the problems and meet situations which "might arise out of the war."

The eminent Senator from North Carolina said new conditions may arise every day. The eminent Senator from Georgia inquires why should we attempt to legislate upon the theory of new conditions arising every day. I must say that the legislation of every other government has had that as its foundation. It was impossible, sir, to define everything that might arise under the bill, because new events from day to day bring forth new conditions requiring new applications, or, indeed, sir, new orders that we can cope with them. So we find in Great Britain a parliamentary body acting under an unwritten constitution, with a limitation similar to that we have under a written one, vesting in a ministry, in this interesting language, "full power"—to do what? To do whatever it might be necessary to do to meet any situation which might arise out of the war.

Have we proposed any such comprehensive language? And then, "to institute such inquiries and"—pardon me, sir, if I fortify my eminent friend from North Carolina—"and to prepare such schemes and to make such recommendations as he might think fit." It gave the minister ample salary, a staff, and power to sit in Parliament.

Senators, it will interest you to know that under this minister a number of commissions and committees have been created to deal with questions which have already arisen and those which are to arise. A list of these committees and of their duties may be found in a publication that has come to us; but it really embraces about 30 pages, and it would trouble Senators in point of time to go through it. However, on March 14—I may be a little in error in my memory; my vision is giving the figures rather than my memory—but on March 14 or March 24, 1918, there was published a synopsis of the particular law of consolidation as passed by Parliament, the privileges and duties of which had been assumed by the minister. May I call to your attention the fact that after these powers were vested in him he proceeded upon the reconstruction work, abolished what would have been 34 divisions of government which existed in time of peace; I take it, sir, to be returned, of course, at the end of the war, for such has been the custom, I find, as I look into similar legislation of the past. They have not let such offices be abolished perpetually. Then, in addition to the abolishment of these divisions, let me advise the Senate that they created, in place of the 34, 15 divisions. These 15 divisions covered the subjects of trade development, finance, raw materials, coal, and power; intelligence, scientific and industrial research—we will treat those things, to use the words of the Senator from Georgia, as coming under the "civil administration"—demobilization and disposal of military stores; labor and employment—recalling the patriotic and, I may say, impressive address of the junior Senator from New Hampshire [Mr. HOLLIS] yesterday, touching a feature of the labor problem; and it will be noted here that one of the very instrumentalities of war which Britain regards as important is to develop all the rights of labor, the privileges of labor—agriculture and forestry, public administration, housing, and the question of aliens. We legislated upon that question day before yesterday; they assume to leave it to an executive branch.

Now, Mr. President, let me call your attention, sir, that under the system prevailing in Britain, as I gather it, 87 different committees have been constituted, which, under the power given, are doing the work of the war. I will not recite their names and thereby burden you in point of time, but I wish to quote an authority upon the subject to the effect that they have entered upon the greatest activity in scientific and in industrial research. More than that, they have reached into the question of electricity, coal, local government, mining, and they have taken in all branches necessary to the purposes of the act.

Mr. President, you will see clearly, sir, that while the pending bill is general it could not have been anything else. The bill of the Parliament of Britain could not have been anything else. There had to be, sir, vested in somebody, in some source, a general power, leaving to that source discretion to exercise that general power in such detail as the future might make necessary. Otherwise, we might have set forth a schedule born of the anticipation of every Senator, which could have comprehended 1,000 pages; and after having given such a list it might have omitted the very thing that would transpire upon the very day following, that could not have been seen in the prescience of the most profound knowledge on the part of the most gifted man. The schedule then would be lacking, there would be no power in the hands of the Executive to meet that exact situation, and he would have to return, sir, to the Congress for specific power to meet that particular contingency that was omitted from the schedule, and all the objects of the legislation would have failed for the very exigency when it arose for which you gave the legislation had not been met and through excess of caution had been neglected. Surely, then, Senators must see that the objections urged against the measure, treating them from a legal ground, are virtues to be urged in its behalf.

Unless, Mr. President and Senators, we are ready to say that to the Executive, to whom we commit the power, that we are not willing to trust his discretion; unless we have reached the point where we are not willing to grant those to whom the power is to be committed the presumption of wisdom to execute it within the spirit of our institutions according to what we feel is the necessity of the hour; if the time has come when any Senator in this body can not in time of war trust the Commander in Chief and his aids with discretion in the performance of a duty such as this bill contemplates, then, Senators, the time has ended to trust the discretion of the Executive with

any power whatever. For, mark you, Senators, I assert that if the moment ever comes when patriotic men such as fill the seats in this body shall sincerely doubt either the wisdom of the Executive or his patriotism in the execution of any of the measures provided, then we have reached a point when he is no longer to be trusted at all.

If in any one thing he has not the capacity to execute or the patriotism to control, then, as to all things we are in danger, for we never know when such an individual, if there exists such, might not, out of ignorance on the one hand or despotism on the other, bring the Government to the verge of its dissolution.

Therefore Senators will observe that, after all, the test of it all rests upon the confidence you repose in the officers who are to execute the law, and the amount of patriotism you credit them with. This is as I assert it, because, if this law, Senators, is to be executed in the shadow of suspicion day by day that the Executive is to be guilty of usurpation of power, that he has to be watched with a guardianship of suspicion, the same considerations must apply to every law that has been passed and to the execution of every act that is in his keeping. You are in the same danger, doubled and trebled by thousands; for if there be ground of a fear expressed as against this measure it can only be born of experience as to measures that are past; and if so, we ought to end courageously legislating at all any power in such an Executive. If these dangers dreamed of have not been born of experience, then they are born of imagination that has no foundation in any evidence, far less in any proof, and ought to be avoided by Senators rather than indulged in.

Then, sir, to Britain I have called your attention; may I allude to France?

In France, Mr. President, it is called reconstruction. An inter-parliamentary committee was established in France, and powers vested in two officers—one, the President; and the other, Senators, I am not able to understand. I have visited France a number of times, and a number of times have I visited the Parliament, and sought to understand their institutions; but this is one that I really do not understand. They call it, sir, what would be, liberally translated, "the harmonizing fraternity." It is, of course, a committee, whose duties are these I illustrate: If my eminent friend, the Senator from Connecticut [Mr. BRANDEGE], sitting here and doing me the compliment of an audience, had a grievance in which he felt that the interests of Connecticut, the State which he so honorably represents here, were not properly protected; and if the Senator from Minnesota [Mr. KELLOGG], living in the Far West, had the grievance that his State would be deeply offended or wounded in its industries if the grievance of Connecticut were gratified, they meet with this committee, and this committee then tries to have these two Senators, representing different geographies, reach some intermediate ground, which would be called something like a conciliation; and then it is presented as their consensus, their agreement, their fraternal understanding, to the main committee. That is as nearly as I can translate it. However, sir, under that name, 300 different provisions—I am quoting, Senators; I can not speak of this of my knowledge—have been passed, all anew, for the purposes of the war, solely to aid in the reconstruction.

Under these France has proceeded upon her purchasing and whatever is necessary. She has made a demand upon the Paris Chamber of Commerce and the chambers of commerce of the metropolitan cities—Lyon, Marseille, and so forth—for their suggestions as to anything that can be done to aid the war, touching—use the precise language—the industrial features. Then, Mr. President, it appears that these committees, crystallized under this form of legislation, proceed to carry out every method necessary to accomplish "the work of the Nation."

Mr. President, France has been very jealous of placing power in the hands of any executive. She has had an experience—sad; indeed, bitter. We might say that at the present time she of all countries in the world would be the last to vest a power which could work to the injury of her citizens and against the welfare of institutions upon which she has shed so much blood and rained such a volume of tears. But you will observe—and I bring this to your attention only for the purpose that I might observe—that the policy of France has been but the policy which we are seeking to undertake here, as brought forward by the eminent Senator from North Carolina having charge of the bill; and, sir, that you might accent the fact that that Government likewise takes the measures which prevail under the civil administration, and did not hesitate to consolidate them, absorb some of them, dissolve some of them, concentrate many of them into a single authority, rest some of them in the hands of a single committee, and allow them, sir, to execute them for the purpose of the object in view, leaving no other definition or detail, Mr. President. Why? Why, Senators, for the very good common-sense reason that the Govern-

ment of France could not have apprehended every danger; it could not have contemplated every difficulty; it could not have measured every emergency; it could not, with beatific vision, have beheld every heavenly or earthly exigency. It had, sir, to leave these things in the charge of those whose judgment the people of France trusted, and in whose patriotism they confided, and who to the end, they knew, could do nothing to harm France and everything to help it.

What else can we do? What other step can we take? In what other way can this Congress now act to carry out the preamble, the solemn object of the bill, to confer upon our committee, created by our Constitution, known as the President of the United States, with his committee of aids called the Cabinet, or to whomsoever he may choose to utilize, the power of the Government, through all the officers now established or those which will follow the consolidation, with the object of carrying out the purpose upon which our people have entered—the winning of this war?

Now, sir, might I, with the apologia descendum, make apology gradually for producing Germany? But we can not decline to produce Germany. I assert that it is high time America shall view Germany for what it is. Let us realize where Germany stands. Let us recognize that she has afforded to the world an illustration of efficiency which has produced results dangerous to civilization; and if, sir, from these engines of destruction we can gather some lesson in the construction of that which is of benefit to mankind, let us not hesitate to view them.

Germany, sir, proceeding in a policy after the order of France, for she did not adopt that of Britain—pardon me, sir, for using the word "adopt." I do not know the history of Germany prior to the Franco-Prussian War; that is, it is not in mind, familiar now for my investigations for this purpose, did not extend beyond that time. We find that Germany, notwithstanding the imperial power that is to be in the Kaiser's representative, realizing that things must transpire to be performed by those in executive branches, by resolutions passed by its imperial council, carried through the Reichstag—I do not know whether it has to be treated by the Bundesrath or not; I do not recall the system of government sufficiently to now advise the Senate as to that—vested practically unlimited power in 11 men, divided into 4 branches, 1 to serve as chairman. I take it like a referee, if my translation of German is not inaccurate, Senators. It is my judgment, if my translation of the word is correct, that the word means "referee." In this body solely and wholly, sir, the whole conduct of everything connected with the transactions of the war is placed by this form of legislation, with but a single veto. The Commander in Chief of the Army has a right to return back his view that a particular measure adopted might conflict with the war scheme then in hand. Yet we have eminent Senators here on this floor, when we are engaged in the very same enterprise, with these same agencies, declining to adopt some similar agencies to defeat those agencies.

We remember the theory of homeopathy, the old theory of Hahnemann—"Similia similibus curantur"—the theory that similarity of things will meet the thing itself; and yet here are eminent Senators—I regret that the Senator from Georgia [Mr. SMITH] and the Senator from Missouri [Mr. REED] are absent. I take it they will be in later, being doubtless engaged on official business. Both are constitutionalists. I regret that there are Senators on the floor who, merely to gratify pride of opinion, to satisfy a mental disposition, to serve the capacity of analysis, will put forward themes which, if executed and carried out in accordance with their suggestions, would defeat the very object of the law and leave us powerless to contend against the enemy.

What do my distinguished friends say to that which I assert—that if the enemy can fight us by a certain method, and those of whom we speak as the allies can adopt the same method against the enemy, what reason have we for declining ourselves the same method? Of what avail is coordination or cooperation if on one part, because we may call America a system in civil times a little different from theirs, we are to adhere to a doctrine which means confusion, if not destruction?

I am meeting a solemn situation; and I trust I am meeting with justice, and I know with calmness, the criticisms of my eminent friends, the distinguished Senators, in pointing out that, first, there is no basis for the things which they recite as having existed. They do not exist. Second, there are no provisions in the bill that can justify these eminent Senators, or either of them, in the conclusions of danger they draw. Third, that even if all the things they say be true, still we should not hesitate to vest this power in the Commander in Chief, if, according to his judgment, manifested to us, it was necessary to cooperate with the other warring powers and carry to a successful conclusion the great task vested in him by the declaration of war, from the hands of the American people

through the voice of their agents, the Congress of the United States.

Has it really come to the point that because eminent Senators on this floor believe themselves to belong to the school of some construction of the Constitution, and believe themselves disciples or converts to a doctrine, they are never to yield it out of a pride of opinion, without regard to the necessities that may call for the exception? Of what avail a provision of the Constitution creating the Commander in Chief at a time of war and vesting in him such superior power, if it be denied him by legislation in the form of amendment or exceptions, his hands to be tied, his body to be trussed, his voice to be throttled, his arms to be paralyzed, his command killed before he can exercise it, merely out of the pride in the power of Congress?

I engaged in debate one day on the food-control bill with the eminent Senator from Idaho [Mr. BORA], who sits here, the Senator from Missouri [Mr. REED], and the distinguished senior Senator from Iowa [Mr. CUMMINS], of whom it may be said that there is no more learned man upon the particular subject of commerce legislation, which he finds even in this bill. On that subject, learned as he is, differing as I do from him in his conclusions, I can not deny his knowledge. At that particular time the Senator from Idaho [Mr. BORA] asked in a query addressed to me and to two or three other Senators at the time on the floor if it were true that in time of war the real object of the Constitution was to place in the hands of the President the discretion to conduct that war as he, as Commander in Chief, saw fit, and that despite the views of Congress?

I uttered then what I utter now, that I agree with the Senator from Idaho; and I asserted this, further than he went: I said then, and I now say, that if this Congress passed an act that in its effect crippled the power of the Commander in Chief, manacled him in the exercise of the powers vested in him by the Constitution, and the solemn authority conveyed through the declaration of war, he could ignore it, and as Commander in Chief execute his powers as indifferent to the declaration as if it had never been uttered; I now say that the American people would not only sustain him, but there is not a man in this body bold enough to bring forward an impeachment against him for doing such. Yet there are Senators like my eminent friend from Georgia [Mr. SMITH], who has just come into the Chamber, whose able argument we all heard with interest, I with astonishment, but with information, for in matters of business construction and legislative skill the Senator from Georgia is not excelled, however much we may differ with the premises he asserts or the conclusions he draws.

But it can not be possible that there is any Senator upon this floor who really believes that it is in his power to subtract from the Commander in Chief the privilege of conducting this war as the Constitution has authorized him, or who believes that he could, by amendments or otherwise, take from him the power to consolidate any body or organize anything which was in his judgment necessary under this bill, when passed, to "utilize the functions of the Government for the purpose of carrying on the war."

I say to the eminent Senator from Georgia I can not agree that there is any distinction to-day of civil establishment and military establishment in any agency whatever that can be utilized for the purposes of this war. There is no demarcation between them now. They can not take the character, one, civil, as distinguished from the other, military. They all take but the character of an institution of the United States, to be administered to-day for the civil purpose solely, perchance, when it contributes to the necessities of the war; to-morrow for military objects, however civil they may be in administration. We can not draw the distinction, as I see it, under the Constitution; for under the Constitution, as I now assert, upon my view, every institution in the United States of America becomes an agency in the hands of the Commander in Chief, while we are at war, to utilize in any way and by any method that in his judgment as Commander in Chief is necessary to the object of carrying to success the war.

As I understand the Senators, they still cling to the theory that prevailed in the time of peace, and would urge here, under the spirit of some suggestion in the Milligan case, that in time of war Congress controls the conflict. But I advise the Senators to contemplate the distinction. A war among ourselves, as between ourselves, as was the Civil War, has a sentiment surrounding it that naturally forbade that we should exercise any power that could be leveled against one part of our own family by another, and every effort was made to avoid that, lest we leave the wounds burning, the scars searing. But, sir, when the Supreme Court of the United States, in mere dicta, as I hold, assumed to state that Congress had the control of the war, they

never meant control of the management of the war nor control of the direction of the war, but, sir, they meant only what the Constitution intended to mean: We have a right to end the war; we had a right to declare war; we have a right to give more power of direction touching the conduct of the war, but we can not control the management of the operations of the power. Anything else, Senators, surely would at once impart the thought that in that way you could direct the movements of generals, you could control the movements in the field, you could direct the movements of the squadrons in the Navy, you could say when and where the fire was to be directed and where not, and likewise, Senators, you could change the command upon the field according to your discretion, though thousands of miles removed. Surely you would not assume such, as such is not within your power; such is not within your object. You will not withhold from the Commander in Chief the privilege of doing that which by law, by the Constitution, and by your declaration of war is his authority.

Then, Mr. President, I have shown from England, from France, from Germany, the legislation after the order of this we are presenting here, leaving the only difference that our Constitution is written, theirs unwritten, the heritage of custom, but I say no less guardful than ours of the rights of the people against the imperial invasion of the despotism of executives. And yet, Mr. President, notwithstanding that I have pointed out to this body that the only thing we seek here has been done in every war since the War with Mexico, and that the provision in this bill authorizing the Chief Executive to utilize these powers is not new, that it is a mere comprehension—indeed, sir, a mere copy—of provisions of law that have been put into effect after war has been declared, reserving the distinction between civil administration and that of the Army and Navy, and providing that these matters of rearrangement shall be restored to civil administration after the war—notwithstanding that, eminent Senators still talk and debate as to the advisability of passing this measure, merely because, sir, of some pride of judgment along some line of conceit in views of government.

If this era were in time of peace, if we were merely discussing some fundamental law for the organization of mankind or the distribution of powers between the States and the Federal Government, I would invite Senators to continue these discussions, from which we may learn something, and probably be advised much; but in times like these, what can I say? I can say that there is a reference to us in the Second Book of Kings. It is with reference to the Prophet Elijah:

And it came to pass, as they still went on, and talked, that, behold, there appeared a chariot of fire, and horses of fire, and parted them both asunder.

Mr. President, we can not win this war by "cursing the Kaiser," and we can not defeat Germany by praising Wilson. He is where he must do things and not merely say them.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. LEWIS. Gladly. I gladly yield to the Senator from Utah.

Mr. KING. I do not know whether or not I clearly apprehended the contention of my distinguished friend when he was discussing the powers of the Commander in Chief of the Army and the Navy; but, as I understand the Senator, his position was that when we are in war the President, as Commander in Chief of the Army, has merged in him, by reason of that position, all other powers that he possesses under the Constitution as the Chief Executive of the Nation, and that as Commander in Chief of the Army the other powers are lost and are entirely submerged in his position as military and naval commander; that as a military and naval commander he may utilize all departments, agencies, and instrumentalities of the Government and of the country, command them, coordinate them, and put them to such use as he may see fit; that he may consolidate departments and bureaus and devolve upon the officials who fill those positions such duties and responsibilities as he may deem necessary and proper to aid in the prosecution of the war and as would contribute to the exercise of military authority and power by him.

Does not the Senator think, if I have apprehended his position correctly, that he makes of the President an absolute monarch and dictator; that he abolishes all civil law and civil tribunals; abolishes the States, abolishes the departments, and submits all of us to the unrestrained will of a man possessing dictatorial and absolute powers?

Mr. LEWIS. Mr. President, if the Senator has concluded, in the first place the Senator misapprehended if he thought I used the words "merged" and "lost." I never referred to the power as being merged and lost. I did say, and I now assert,

that the power as Commander in Chief in time of war under the Constitution is one of discretion in the conduct of it; and when we pass this bill authorizing the President to utilize the power under such a measure in the exercise of his discretion as Commander in Chief, we have authorized him to invoke and utilize every agency the Government has, of any nature, civil or military, of any branch whatsoever, as Commander in Chief under the privilege and authority of "utilizing the powers of government." That is my position.

Mr. KING. Will the Senator yield?

Mr. LEWIS. Gladly.

Mr. KING. Does the Senator think that the President of the United States, as Commander in Chief of the Army and Navy, would have any greater powers than Washington had as Commander in Chief, or than Gen. Haig has as commander in chief of the armies of Great Britain? Does not the Senator think that the provision in the Constitution making the President the Commander in Chief of the Army merely means to confer upon him the military leadership of the Army and the Navy, and does not intend to give him by reason of that position any additional powers to those that would be possessed by any man who had military leadership of the armies and navies of a government?

Mr. LEWIS. At the outset of these observations, if my learned and distinguished friend, the Senator from Utah, was present he will recall that I said there were two schools of thought, and that during the discussion of the food-control bill they were indulged very generally here. I espoused one, and, barring the observations of the Senator from Idaho, to which I have just alluded, I did not receive verbal support unless I can consider the vote as support. I received no other support verbally than my construction. Other Senators, including the Senator from Utah, at that time differed. Here is the difference, as I asserted then, and I repeat it now, that to my view the provision of the Constitution vesting the powers of the Commander in Chief in the President of the United States does more than confer upon him the mere privilege of naming those who shall command the Army and Navy. It vests in him the power to exercise any discretion that to his judgment may seem fit and in the execution of any law that gives him authority to act to utilize anything within the whole Government for the purpose of carrying out the policy of the war in such manner as he feels will execute it with success. I differ from my eminent friend in assuming that those powers are limited. I say they are unlimited in the exercise of his discretion after war has been declared and its execution put in his control.

Now, replying specifically as to the other part of the Senator's query, I do not exactly understand the powers vested in the commander in chief of France or of England referred to by him. As to that I will make no parallel, not being advised. As to Washington, we had no Constitution. When Washington was commander the thing we called such had never received construction, it had never been crystallized in its meaning. In after days the power exercised by Washington was assailed even when he was President. Since then, I assert, Mr. President, that the spirit of our people has given to the Constitution a meaning, and under three different wars since then has given it an execution opposed to the policy of my eminent friend, distinguished lawyer as he is, and I assert in favor of my own view that there is no limitation upon the discretion of the Commander in Chief in the prosecution of the war so long as he utilizes any agencies that are then in existence by existing law in a Government. It matters not whether you call it civil or military. Such is my position.

Mr. KING. Will the Senator permit another question?

Mr. LEWIS. Gladly.

Mr. KING. Suppose this bill is passed in its present form and the President of the United States shall utilize or shall coordinate two or more agencies or departments of the Government and shall unite by order two or more bureaus or departments or agencies, will he do it as Commander in Chief of the Army and Navy or will he do it as President of the United States?

Mr. LEWIS. If the Senator means under this bill, I tell him he does as Commander in Chief, for the bill reported from the committee specifically says as Commander in Chief. I would even without this bill answer the eminent Senator by saying that if in time of war he did it and he manifested it in the execution of the war, he would still be doing it as Commander in Chief.

Mr. CUMMINS. Mr. President—

Mr. LEWIS. I yield to the Senator from Iowa.

Mr. CUMMINS. I hoped the Senator from Utah would pursue the inquiry a little further. I am interested in knowing whether the Senator from Illinois means what I understood him to say, which was that as Commander in Chief under the

Constitution the President could utilize in any way he saw fit any existing power or function of the Government. Is that what the Senator from Illinois meant?

Mr. LEWIS. I think I said any executive or administrative branch of the Government to which I adhere. I say any executive or administrative branch of the Government.

Mr. CUMMINS. I understood the Senator to so declare, and it is quite consistent with the general trend of his argument. But if that is true, inasmuch as the bill before the Senate does not create any new power in any department of the Government except as it transfers power to the President, why are we passing a bill authorizing the President to transfer functions and powers from one officer or from one department of the Government to another if the President already has those powers under the Constitution?

Mr. LEWIS. The question of the eminent senior Senator from Iowa is very pertinent. It is very searching. This is the reason I answer him categorically, because all of the Senate is not of the opinion of the Senator from Illinois. If the Senate were of the opinion of the Senator from Illinois, there would be no necessity for this bill, but it is because they are not—only a minority of them agree with me—that it is found necessary to bring in a bill to execute by written declaration that which I say is already in the spirit of our institutions.

Mr. CUMMINS. But if the President believes that he has this power, he is not affected by the vagaries of certain Members of the Senate who do not agree with the Senator from Illinois. He can proceed without let or hindrance, according to the opinion of the Senator from Illinois.

Mr. LEWIS. Mr. President, I have no telepathic instrumentality by which I can gather just now what the President "believes." I am speaking of what the Senator from Illinois believes. If the President believes that he has this power, he might still exercise it. Why? Because believing he has still the power he has done certain things, among which I speak of the fuel and coal order or of other food-control provisions connected with the Advisory Council of National Defense, and in reward for that exercise of prudence he has been condemned on this floor as a usurper of power, as a violator of law. Then, I say to the Senator, as a faithful officer he prefers to submit himself not to the vagaries of Senators but to their cautious discretion and allow them the privilege of giving him by authority in writing that which in spirit he has, and which I as a Senator believe he has.

Mr. ASHURST. Mr. President—

Mr. LEWIS. I yield to the Senator from Arizona.

Mr. ASHURST. Possibly it may be in the mind of the President to avoid such criticism as fell, for instance, upon President Lincoln, for we recall that from the 12th of April, 1861, to March 3, 1863, the President of the United States suspended the writ of habeas corpus, and many lawyers believed that the President had no power to suspend the writ of habeas corpus, in that the Constitution is silent as to what agency may suspend it. The common law of the United States and dictum of the courts for many years seemed to hold that Congress alone could suspend it. The President of the United States suspended it, and Congress, on March 3, 1863, ratified his suspensions and vested the authority in the President.

Possibly the President does not wish to violate the views of a large number of lawyers who always take a strained and technical view and who would rather lose a battle than surrender a cherished technical point.

Mr. LEWIS. The contribution of the Senator from Arizona, as is always, is a patriotic one. I appreciate it. I can only speculate upon what may be in the President's mind. In answering the eminent Senator from Iowa I gave him my view, and while I feel now that the bill is brought forward in order to give a base for the contention which the Senator from Arizona says could arise and doubtless would have arisen—

Mr. SHAFROTH. Mr. President—

Mr. LEWIS. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to have the Senator give his view of a case of duplication and red tape in these departments as illustrated by an actual case. A man made an application for a right of way for a reservoir covering about 10 or 20 acres of land. It was referred to the Interior Department. That department examined the survey plat, sent it back to be corrected, and received it back at last and approved it. The applicant supposed he was about to get his right of way. Then it was thought that it ought to be referred to the Secretary of Agriculture, because it happened that the reservoir was located in one of those huge forest reserves that cover about one-fourth of our States in the West. The Secretary of Agriculture had it referred to the local agents to see whether the construction of the reservoir would interfere with the forest reserve in

which it was situate, and then after a considerable length of time the applicant finally got an approval from the Secretary of Agriculture.

Then, Mr. President, when the man thought he was about to get his right of way approved it was said it must be sent to the Secretary of War. When the applicant learned that the site for a 10 or 20 acre reservoir was to be sent to the Secretary of War he was dumbfounded, but he found that it had been sent to the Secretary of War for an investigation as to whether the navigability of the stream into which the water of the reservoir emptied would be interfered with. The reservoir was on the western slope of the State of Colorado and its waters emptied into the Colorado River. There never was a steamboat on the Colorado that I ever heard of. Yet, notwithstanding that fact, the War Department had to investigate it. That department had to examine into the matter, and the War Department finally approved it.

Then, Mr. President, the applicant thought he surely was going to get the right of way immediately, but it was deemed necessary to send it to the Secretary of State. Of course, the people interested were dumbfounded and wanted to find out why an approval of a reservoir covering 10 or 20 acres would have to be referred to the Secretary of State. But they were told it was necessary because we had certain treaty rights with Mexico and it would be for the purpose of determining whether we were taking any of the waters that belonged to Mexico.

Thus this 10 or 20 acre reservoir application had to be referred to four departments of the Government. At last the two Senators and four Representatives from Colorado got a hearing before the four Secretaries. The four Secretaries met and heard the matter, and at last it was approved. It took more than a year to get the approvals of this 10 or 20 acre reservoir site.

I have not a sufficient vocabulary to characterize that method of procedure and red tape required, but I know that the Senator from Illinois has the vocabulary, and I want him to express himself on that state of fact.

Mr. THOMAS. And at the same time imagine he was a Senator from Colorado.

Mr. CUMMINS. Before the Senator from Illinois answers the very just demand of the Senator from Colorado I want to suggest that I have assumed from the beginning that it was just such cases as the one described by the Senator from Colorado that are intended to be covered by this law. There are defects in civil administration and they have nothing more to do with the prosecution of the war or the Commander in Chief of the Army and Navy than have the meetings that are now being held upon the streets of the new Jerusalem.

Mr. LEWIS. Mr. President, I express my thanks to the Senator from Colorado for the illustration he gave of the necessity of this law, but in his demand on me that I should characterize it with appropriate vocabulary, as I would desire to do, the rules that would compel me to use parliamentary language in this body forbid my entering upon that undertaking. If I must, as the junior Senator from Colorado [Mr. THOMAS] says, imagine myself a Senator from Colorado under those conditions, then I would be seriously barred by the Scriptures, which declare that you shall not swear by heaven or by earth. I think the statement is indeed one calculated to accentuate the necessity of the measure, and I appreciate the Senator's tender.

Mr. President, I now come to the detailed objection of the Senator from Missouri [Mr. REED] and the equally eminent Senator from Georgia [Mr. SMITH]: I would call the attention of the Senator from Pennsylvania [Mr. KNOX], who, I see, is doing me the honor of his presence, who addressed an inquiry the other day to the body—I think to the Senator from North Carolina [Mr. OVERMAN] and to myself, participating incidentally at the time—as to what particular thing should be comprehended under this measure that is not now permitted and could not be availed of.

Mr. President, that is a very necessary inquiry. It is one which should have been addressed very early in the discussion, and, of course, meaning no reflection upon those in the management of the bill, or to criticize anyone conducting the enterprise, I feel that at the outset it would have been profitable to have replied to that interrogatory with detail.

Senators, I do not know what is in the President's mind as to what particular thing he really intends to do, and what things he might advise you of his intention or ultimately of his accomplishment; but I beg to assume that I can see some necessity which he should enter upon and which without this bill, as I understand it, he could not.

In the first place, let us understand the query I put to the Senator from Pennsylvania, to see if I am accurate in the assumption I then entered upon. The Quartermaster General of the Army, the officer referred to by the Senator from Georgia

[Mr. SMITH], Gen. Sharpe, let us assume as we do that by statute is authorized to make purchases. They are limited to certain quantity and subject matter. The Ordnance Department has by statute a privilege of purchase. That is limited to certain quantity and certain subject matter.

Supposing, sir, the criticism made by Senators on this floor, and I refer particularly to the senior Senator from New York [Mr. WADSWORTH], a member of the Military Committee, and the industrious Senator from Indiana [Mr. NEW], that there has been such a multiplication of labor here that there is no concentration, and we accepted the criticisms which these gentlemen have made and that were circulated all over New York in the New York campaign, and we now offer through an Executive order to consolidate the Quartermaster General's buying department with the Ordnance buying department and put them all in the hands of a man who has skill enough to know steel and the implements of war, hay, feed, forage, and clothing, of which there are many. Does the eminent junior Senator from Pennsylvania feel that we could do that with those two statutes now existing without the statutes either being repealed or some subsequent law by implication overcoming them?

I must answer upon the query that it is perfectly plain we can not. Then if there be no other excuse for economy, for utilization of power than this one alone, which has been so criticized throughout this whole Republic as producing the thing the Senator from Colorado terms as red tape, by which if an order went into the Quartermaster Department that he felt belonged to the Ordnance he did not dare to use the department's functions upon it or that of the Ordnance Department, which he felt was under the custody and control of the Quartermaster General, and because of this chasm dividing the two, bridged only by the constant windings and roundings of the thing we call red tape, until the necessity had expired and no service to the Government, how can we consolidate those, and they are military, without something repealing those acts of Congress or some other act to be substituted in their stead? I tender that as one illustration which under the law can not now be executed and which without a new law will remain the base of the confusion.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Illinois yield to the Senator from Montana?

Mr. WALSH. Before the Senator gets too far away from the subject referred to by the Senator from Iowa [Mr. CUMMINS] I take the liberty to interrupt him.

Mr. LEWIS. I yield to the Senator from Montana.

Mr. WALSH. I regret that the Senator from Iowa is not in the Chamber at the present time. He propounded to the Senator from Illinois an inquiry as to why, if the contention of the Senator from Illinois is correct, the President already has not this power by virtue of his position as Commander in Chief under the Constitution, and if this legislation should be enacted at all. On the 26th of February, 1917, the President came before both Houses of Congress and delivered his message on the subject of armed ships, asking from Congress specific authority to arm merchant ships for the protection of our commerce. In the course of that address, he said:

I feel that I ought, in view of that fact, to obtain from you full and immediate assurance of the authority which I may need at any moment to exercise. No doubt I already possess that authority without special warrant of law, by the plain implication of my constitutional duties and powers; but I prefer, in the present circumstances, not to act upon general implication.

Mr. LEWIS. I thank the Senator from Montana; and it may please him, certainly it will assure him, to know that the junior Senator from Pennsylvania [Mr. KNOX] a few days ago, pending this debate, advised the Senate of his memory of that proceeding and also of the views of the President, and asserted as he then believed the President had the power to arm those ships without the act. I do recall that the Senator from Montana delivered an inspiring and educational address to the Senate vindicating the power of the President upon that subject. Therefore I say my observation to the Senator from Iowa is justified, that out of precaution, out of excessive discretion, out of respect for the relative functions of the two branches—the executive and legislative—the President made that request for the power contained in this bill.

Now, Mr. President, let me proceed with further details. Let us assume, sir, that the Government wished to end that ancient order of rivalry between the Army and Navy in those days in which the Navy regarded itself as the aristocracy of the arm of warfare and the Army the hewers of wood and the drawers of water.

Let us assume, sir, that there was no such division between the Army and Navy as in the past; that there was no such chasm, no such ravine, across which one dared not pass to the

other without the salutation and salaam of an inferior; assume that out of economy they wish to take the buying department of the Army and the buying department of the Navy and consolidate them in a single head. May I attract the attention of the junior Senator from Missouri [Mr. REED] to say that I am now addressing myself to some matters in reply to his interrogatory the other day as to what were the details of this bill that have to be met, that were not permissible without the passage of the bill? It might interest him if it may not serve as worthy information.

Assume then, sir, that we desire to consolidate the buying agencies of the Army with the buying agencies of the Navy and we sought to put those two, as in the other instance I have just given, under a single head. Would the eminent Senator from Missouri and the Senator from Georgia answer that with those two statutes—with which, of course, they are very familiar—which give to the Navy a separate jurisdiction of purchasing power and responsibility to purchase and that which provides for the Army a separate responsibility and authority, that we could merge those two separate powers, with their responsibilities, under one head, without the legislation being first repealed and subsequent legislation usurped, to use a word that is frequently used on this floor, or, rather, taking the place? I answer it could not be done.

Mr. REED. Mr. President—

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. As the Senator propounded his interrogatory to me, I answer that it has been done.

Mr. LEWIS. I know what the Senator says. He said before there had been an attempt to exercise it; and I then invited the eminent Senator, as I do now invite him, that when it was assumed, through a civilian body created, it was very much criticized as being without authority, and I have, as I said then, some doubt as to whether it should have been exercised by the body which attempted it, and in order to remove the doubt the statute should place the authority in the hands about which there can be no question as to the legality. It is now attempted by this measure to legalize that which if directed by the Executive was charged on this floor as being usurped and without authority.

Mr. REED. I do not desire to trespass on the Senator's time, but—

Mr. LEWIS. The Senator does not. I welcome it. We are seeking to get light.

Mr. REED. The Senator makes three statements. I can not entirely agree with him.

First, that the action of the President in appointing a purchasing agent or agency has been severely criticized. I do not think that is the case. The thing that has been criticized on the floor of the Senate was that there were certain subcommittees of the Council of National Defense which it was claimed were giving out contracts to concerns in which they were interested. I have heard no criticism of the fact that the President has appointed a committee or a commission with pretty broad general authority to act. That is the first observation.

The second I desire to make is that the Senator's statement implies that the President has violated and overridden the law and that he now desires through this bill a statutory authority which he has hitherto usurped. I do not make any such charge against the President, and I do not think that the Senator meant to leave that implication, although it was clearly within the statement he has made.

I make the third observation that it is not necessary for the President, in order to stop any conflict between the purchasers of the Navy and the Army, to in any way trespass upon the law. If the authority to purchase for the Navy is vested in officer "A," of the Navy, and the authority to purchase for the Army is vested in officer "B," and if the President is the commander over both officer "A" and officer "B," there will be no impropriety in the President calling officer "A" and officer "B" before him and saying to them, "When you make your purchases do so after full consultation and in such manner that you will in no way interfere each with the other," and, if necessary, give common orders to the end that the Government may be better served.

Will the Senator indulge me to say a word further as illustrating the whole attitude of this bill?

In the committee, or at least in the subcommittee, I proposed an amendment to the effect that the President might in all matters relating to the purchase or procurement of supplies of any kind for the Army or in relation to contracts for the movement of the Army combine the functions of any bureau of the War or Navy Department. My amendment was even broader than that, and yet that was incontinently rejected.

Let me say again what has been so often said in the course of the debate and in the committee, but which ought to be said

here again on the floor, that if any Senator can point out any place where, in the prosecution of the war, the President's hands are tied and where by the repeal of some statute we can give to the Executive a freer hand, freer exercise of power, so far as I know every Member of the Senate is willing to grant such power.

Mr. LEWIS. Mr. President, I am always glad to indulge the eminent Senator from Missouri at any length under the theory of a query or otherwise. I take up his propositions seriatim.

In the first place, the criticism of the Government for allowing this advisory council to make contracts went so far as to condemn the whole office on the ground that it was usurping the privileges of the Quartermaster General. Subsequently the criticism went so far that a movement started in the Committee on Military Affairs with a view of having the exercise of that power openly condemned. Mr. President, I must say to the able Senator that when there was an attempt to consolidate those privileges and to put them in the hands of a civilian it was condemned, because it had not been done by law. I say to the Senator that there is not now a law which authorizes the purchasing department of the Navy and the purchasing department of the War Department to be consolidated under one head; and so long as the statute exists that directly imposes different powers on to executive departments, they will remain separate, to the expense of the Government, the burden of the administration, and the complication of power until we do consolidate them under one head, which is permitted by the bill.

Third, the Senator is quite in error when he says that I assume that the President of the United States has violated a statute and is guilty, therefore, of some wrong which I am now confessing. Had the Senator been here in the early part of this debate, he would have gathered from me that I asserted that under the Constitution, as I did assert against the able Senator in the food-control debate, there was power in the President, but that he, feeling, out of precaution, that it were wiser to get this power specifically detailed, this bill has been presented, because there was dispute upon it.

I will have the Senator understand, so far as I am concerned, that it is my belief that wherever there was an attempt to exercise that consolidated power in the instances heretofore condemned, it was upon the assumption that the President had the power; but because there had been differences of opinion among men who condemned it or criticized it, this bill is brought here to remove the matter from doubt and to grant him the authority.

If the able Senator from Missouri is still of the opinion, as he expressed it, that he is willing to vest in the President any power which the President feels he should have that would aid him in economy and utilizing these powers, here is an instance where he can lay aside all punctilious distinctions in his contentious construction of the Constitution and grant it. It can do no harm, and it may do good.

Now I proceed with the details, and we will take another instance. Mr. President, no Senator here opposing this bill has been able to show me how these departments could have been consolidated by the acts under which they exist and still remain without some new law authorizing it.

I will take the fourth. There has been created a food and fuel department. They have both been the basis of considerable criticism. The conduct of the administrators of those departments has not always met with my approval. I may not always have been advised of all the facts, but I digress here to refer to one instance. We had a gentleman from Illinois—his home at Chicago—by the name of Mr. Frank Peabody. He was named by the Government as from the State of Illinois, the constituency which, with my eminent colleague [Mr. SHERMAN], I have the honor to represent. Mr. Peabody was in the coal business. He was skilled and in every way schooled in it. He was a commercial and mining specialist in coal and, together with Secretary Lane and under the supervision of Secretary Lane, he was designated to administer a branch of the coal development and distribution. That he was able to do so, nobody could dispute; all who knew him conceded. That there had been nothing to disclose a selfish interest everyone admitted. The Senators hearing me—particularly the Senator from Massachusetts, Mr. LODGE, and Senators REED, of Missouri, and VARDAMAN, of Mississippi—will certify to the integrity of Mr. Peabody's efforts as disclosed in committee investigation. His testimony before the committee which was examining him showed that he was a man who had been careful, anxious, and solicitous for the welfare of the Government. Yet, despite that, the policy of Secretary Lane, whose administration of the Interior Department is the boast of his friends and the pride of the Nation, and who by law has the administration of coal in its veins in the public lands, was overturned and ignored;

also was the great work of Peabody. Mr. Peabody was humiliated by a withdrawal of his authority. Whatever influence Secretary Lane sought to exercise or whatever authority they both exercised were overridden, and the orders connected with the Fuel Administration, from other sources, came upon us so suddenly that we, the friends of the administration, were called upon to approve or disapprove, and this with no other information than that the President had sent word that he had approved the order. All in the Senate assumed that, of course, the Lane-Peabody committee had been consulted and had concurred. Then, later, all of us are informed that a department of which Lane nor Peabody were members, had not even knowledge, far less participation, had done the thing. I know that President Wilson was no party to the unexplained treatment of Lane or Peabody. I have often talked with the President as to Peabody's great capacities as a coal man, and ever and over the President had commended him; and as to Lane, all know that the President esteems him his "guide, counselor, and friend."

Mr. President, as to whether overturning those orders served any good purpose or not in their administration Senators have seriously disputed. For myself, I am not advised sufficiently to form a concrete judgment; but, as the Presiding Officer will recall, there has been considerable discussion on the subject, and with heated differences on all phases. Suppose, instead of the administration of the food and fuel question being vested in these two different agencies under this law, it were now found agreeable to place them all in the hands of the Agricultural Department for economy, or in the hands of the Interior Department because of wisdom shown in its administration, and we could abolish these surplus departments—excessive in prices and expenses and annoying, as it appears to many, in duplicity and perplexity in administration—does the Senator conceive that that could be done now, since we have passed the laws creating the new body, and it has been put in administration, without a repeal of the act and the passage of a new law allowing the consolidation of the departments either in the Department of Agriculture or in the Department of the Interior?

Mr. REED. Mr. President—

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. Mr. President, the Senator's point is that the law requires the creation of two separate departments, one for food and the other for fuel, and that the President does not now have, because of the inflexible conditions of this law, the power to consolidate the two departments; but I call the Senator's attention to the fact that the food-control act does not provide for the appointment of a Food Administrator. It provides that the President himself shall be vested with certain great powers. Section 2 of that act reads:

That in carrying out the purposes of this act the President is authorized to enter into any voluntary arrangements or agreements, to create and use any agency or agencies, to accept the services of any person without compensation, to cooperate with any agency or person, to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds.

The Senator from Illinois is too candid a man not to admit, first, that all power is put in the President, and, second, that he is authorized to coordinate any of the powers or functions of any of the departments of the Government in administering this law.

Now, when we come to the question of coal, who is authorized to act? Notice the language of the law:

SEC. 25. That the President of the United States shall be, and he is hereby, authorized and empowered, whenever and wherever in his judgment necessary for the efficient prosecution of the war, to fix the price of coal and coke, wherever and whenever sold, either by producer or dealer, to establish rules for the regulation of and to regulate the method of production, sale, shipment, distribution, apportionment, or storage thereof among dealers and consumers, domestic or foreign; said authority and power may be exercised by him in each case through the agency of the Federal Trade Commission during the war or for such part of said time as in his judgment may be necessary.

That if, in the opinion of the President, any such producer or dealer fails or neglects to conform to such prices or regulations, or to conduct his business efficiently under the regulations and control of the President as aforesaid, or conducts it in a manner prejudicial to the public interest—

The President is then authorized to requisition and take over the coal mines, and so forth. But as we go through the bill the solitary seeming place where there is any provision made limiting the power of the President is that, in fixing the price of coal he shall do so through the Federal Trade Commission. So my very able friend from Illinois is in error. Under this law there is no such thing as a Food Administrator spoken of; there is no such thing as a Fuel Administrator spoken of. Great powers are vested in the President, and the President has himself erected these two offices as mere agencies through which he has acted; and yet my very good friend from Illinois

has the temerity to assert that they have been very expensive, very inefficient; that they ought to be abolished; and that this bill ought to pass in order that the President may gain the power to abolish that which he, under the authority of the law, himself created.

Mr. LEWIS. Mr. President, if I were called upon to award a medal to the eminent junior Senator from Missouri it would be as an inventor. The eminent Senator has invented interesting phraseology, put it in my mouth, and proceeded to assail it. I enjoy the performance as one who views a spectacle of interest, whether it is a "movie" or a tragedy. [Laughter.]

Mr. REED. Will the Senator from Illinois classify himself, so that we may know whether he is now engaged in a "movie," a comedy, a tragedy, or a farce? [Laughter.] I certainly quoted him correctly.

Mr. LEWIS. Really, in order that I may flatter the Senator, as he would deserve, when I am under his assault, of course I reflect a tragedy.

Mr. President, in the first place, the Senator is in error in his understanding of what I said. I never said that these administrations are inefficient. I can not let the Senator put that in my mouth. I said they had been assailed as such; I said they had been assailed as expensive.

Now, Mr. President, I wish to correct the Senator. He and I contended over the food-control bill for four days; and the eminent Senator from Missouri and I both know its contents from the view that we took of it. That law put the power in the hands of the President, and the President was permitted to create, as he has done, this administrator; but the power in the hands of the President to coordinate such agencies is confined to the very sources to which he may have committed the duty. It did not authorize him, Mr. President, to bestow upon the Interior Department, whose powers are prescribed by statute, or upon the Agricultural Department, whose privileges and powers are prescribed by statute, the other powers and duties authorized by this statute. The eminent Senator from Missouri can not gainsay that.

Mr. REED. Mr. President, will the Senator permit me to gainsay it out of the statute?

Mr. LEWIS. I yield to the Senator.

Mr. REED. I read:

The President is authorized—

I omit a portion—

to utilize any department or agency of the Government, and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds.

Mr. LEWIS. Exactly; the Senator has finally reached the only necessary section of the statute to which he omitted to advert, the limitation to prevent duplication or loss. That provision did not refer to power; that referred to the fact that after the power is vested the President then can utilize the agencies to prevent duplications in the exercise of the power. I am not referring to duplications; I have heard that matter referred to constantly here; I am referring to the fact which I now assert that before this power could be put into either of the two departments and these extra duties imposed upon them, there would have to be a legislative act authorizing such bestowal of power and execution of duties in the Interior Department or in the Agricultural Department, respectively.

Mr. REED. Will the Senator pardon me again?

Mr. LEWIS. I yield to the Senator.

Mr. REED. The Senator speaks of where the power is vested. Let me read:

The President is authorized to make such regulations and issue such orders as are essential effectively to carry out the provisions of this act.

Will the Senator say that does not vest the power in the President?

Mr. LEWIS. I certainly say that it does not vest the power in the President to place these duties in the Interior Department and the Agricultural Department, unless the acts of Congress which created those departments were amended so as to add these duties to their functions.

Mr. REED. Could they not be placed under the jurisdiction of the Department of Agriculture or the Department of the Interior? The words of the statute are:

That in carrying out the purposes of this act the President is authorized * * * to utilize any department or agency of the Government.

Really I think the Senator ought candidly to admit that I am right about this; it may be asking a good deal of him, but I think he should admit it.

Mr. LEWIS. Of course, I know my good friend always feels that when one differs from him he can not be candid, for the only candor the Senator would seem to desire disclosed would

be always that of agreeing with him. I can not accept that standard of candor. I differ from the Senator.

I again call the Senator's attention to the fact that while under the law which has gone into effect the President is permitted to choose and to summon to his aid any agency he desires, in no wise, Mr. President, did that law authorize the Interior Department, as such, or the Agricultural Department, as such, to enter upon the administration of the provisions of the act. The duties of those departments having been defined by statute, they being statutory departments, there would have to be an act of Congress to impose upon them such duties and make them responsible for their performance. I again assert, sir, and most respectfully insist, that by the very act that the eminent Senator holds in his hand I am verified. I therefore referred to that, sir, as one of the other illustrations.

Now, sir, as to the auditors and comptrollers. There never was so clumsy a machinery devised by government as in the early days we devised on the theory that every man was dishonest and must be watched by another man. We adopted a theory of government, sir, from a predecessor. We selected a man and called him an auditor; we put over him another man called a comptroller; we put each watching the other; and from that day to this, sir, in every instance of accounting these two branches have ever conflicted, with a view of showing either that in intelligence or efficiency, on the one hand, or in industry or honesty, on the other, one was superior to the other. This conflict, as Senators well know, for months and months has raged between these two sources of vain contention. A statute of the United States created these offices and defined their respective duties. Would the eminent lawyer from Missouri, the eminent Member of the Senate, now say that if we were to unite the two, rising to the common sense of an ordinary corporation which has the positions of secretary and treasurer united in one man and the positions of vice president and general manager in another, a theory of business government now that was not then existing, for it was a kind of unwritten law, as Senators will recall, to have one man as secretary and another man as treasurer; but now should we want a different system in government, as I hope will be possible, and undertake to abolish this duplex system and have a comptroller and auditor combined in one official, with clerks about him of expert knowledge, instead of having these two separate departments, with their hundreds of clerks, does my eminent friend from Missouri say that could be done without a statute repealing the two separate statutes that created those departments and vested in them certain powers and defined their duties?

Mr. REED. Mr. President—

Mr. LEWIS. I yield to the Senator.

Mr. REED. Since the Senator continues making his argument to me personally, which I regard as a very great compliment, I answer I do not agree with the Senator's facts. There has been no roaring—

Mr. LEWIS. "Raging" was the word.

Mr. REED. "Raging." I accept the correction, because I think it is quite as important as the other arguments of the Senator, and the distinction is quite as difficult. There has been no such dispute that ever came to my knowledge. We have a Comptroller of the Currency who is charged with the business pertaining to that particular office. For the main part he is the head of the national banking system. The office has been almost invariably administered with great efficiency. I will not say that there may not be some comptrollers in some other departments.

Mr. LEWIS. Let me advise the Senator. There is a Comptroller of the Currency, which is a separate office; but there is also a Comptroller of the Treasury, and there are comptrollers in the other departments. It is to that I am alluding, and not to the Comptroller of the Currency.

Mr. REED. Very well. Then there are auditors. There is an Auditor for the War Department, an Auditor for the Treasury Department, an Auditor for the Post Office Department, and so forth. So we have these great departments of government with, I think, all told, six auditors for the whole business of the United States. Each of these auditors has passing through his hands the business of a particular department, and I say that it would be the height of foolishness to mix up the auditing of the Post Office accounts with the auditing of the accounts of the War Department and with the auditing of accounts of other departments of the Government. If that were essential, and if shown to be essential, it could easily be granted; but nobody has made any such claim as that. What has that got to do with the prosecution of the war?

Mr. LEWIS. Mr. President, it appears as if the Senator had always misapprehended the purpose of this bill. The auditors and the comptrollers have had constant conflicts; they have

been going on ceaselessly. The Senator is to be congratulated in not having run against that condition; but he concedes by his argument that if we sought to amalgamate them it would have to be done by statute amending the statutes creating them. If the necessity arose—and, Mr. President, there are reasons in the mind of every man here leading to the belief that they might arise—that could only be done by a statute superseding the other statutes creating those officers and their particular duties which have run counter to each other and oftentimes in conflict. There is another illustration; I tender it.

The Senator must understand when he says I address my argument occasionally to him, that it is because he entertained the Senate the other day with a very full and elaborate argument against the bill—all as an unnecessary measure; then following one query after the other, calling on Senators to point out any situation which required a statute to remove; and at one point in his argument the Senator will remember he said "I pause for a reply." I arose and stated it was my intention to inform the Senator of many instances, but I would not interrupt his argument by doing so then; but I could not permit my silence to be construed as indicating that I had no knowledge of the necessity. I now reply to him, because his query was then addressed to me.

Mr. OVERMAN. Mr. President—

Mr. LEWIS. I yield to the Senator from North Carolina.

Mr. OVERMAN. In the entire Treasury Department of the United States there is but one comptroller. Through his hands all the accounts pass; whereas, as the Senator says, there are six auditors. If we only have one Comptroller of the Treasury to pass upon accounts, what is the necessity for having six auditors?

Mr. REED. Mr. President—

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. It is almost useless to go into a detail of that kind, because, if we were to pass upon it properly—a careful investigation of the duties of each of these officers—it does not at all go to the principle contained in this bill.

I am very sure that if the Senator from North Carolina will investigate the various auditors' offices he will not come back with a demand for their consolidation. For instance, the Auditor of the Post Office Department is an office which I imagine employs, without having accurate information, probably 200 clerks. The accounts of every post office in the United States go through that office and are checked up, so that almost every postmaster in the United States, at the close of the day's business, has had his reports thoroughly audited; and if there is a mistake made, his attention is called to it.

Mr. President, the Auditor of the War Department audits the accounts that come in from the War Department. It is an entirely different kind of business. It has to do with the pay of men and the expenditures of men engaged in the military service; it is confined to that branch of work; it is as different from the post-office business as it is possible to conceive. Now, what good would result from taking the accounts of the post offices and the accounts of the officers of the Army and jumbling them together in one office. If that were done, I apprehend that the cry would go forth at once for a separation. Certainly we have no demand now for the consolidation of those two offices. Neither will the Senator who now so eloquently defends this bill assert to us that the President desires or asks or demands any such power; nor will the distinguished Senator who is sponsor for this bill assert that the President has demanded or asked for the passage of this bill in order that he may consolidate the business of the six auditors of this Government. We know that is not the purpose of this bill. We ought to be frank with each other; we know that it is not proposed to pause in the midst of this war and reorganize all the ordinary machinery of this Government.

But the Senator also knows that if we were requested to pass a bill that would consolidate these six auditors, we would call in the auditors and other men, and ask them about it, and if we found that it was wise we would grant the power in a moment. If we found that it was imprudent, we ought, as Members of this body, to deny the power.

Mr. OVERMAN. Mr. President, in answer to the Senator as to what good it would do, I say it would save several millions of dollars, in the first place.

Mr. REED. Mr. President, will the Senator be specific? It will save millions of dollars how?

Mr. OVERMAN. By the dismissal of hundreds of clerks.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER. Senators must address the Chair.

Mr. LEWIS. Mr. President, I should like to say that I want to yield to Senators to answer any inquiry; but I trust Senators will realize that while I wish to do so, entering into a full dis-

cussion of a foreign question, which the Senator from Missouri has entered upon, would take us far afield. I only call attention to that. I now yield to the Senator from North Carolina.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina for a question?

Mr. LEWIS. I do.

Mr. OVERMAN. I want to say that all any one of these departments needs is one auditor. These great business men, great accountants, the best in the United States, met and investigated this matter, and made a unanimous report that we needed but one auditor. I would rather take the opinion of those men about this matter than to take even the opinion of the distinguished lawyer and statesman from Missouri.

Mr. REED. Well, Mr. President, I am much obliged to the Senator—

Mr. LEWIS. Mr. President, having the floor, I yield to the Senator from Missouri.

Mr. OVERMAN. Let me say another thing, and then I will yield to the Senator. Two of the greatest business organizations in the United States, the United States Steel Corporation and the Standard Oil Co., that do billions of dollars of business in this country every year, have but one auditor each. They have but one comptroller each. If that is a good business method for them, it ought to be a good business method for the Government.

Mr. REED. Mr. President, I started to say that I am much obliged to the Senator in charge of this bill for his bit of irony.

Mr. OVERMAN. Oh, no; it was not irony.

Mr. REED. But I have this to say: I have seen a great many specimens of these gentlemen who go about on earth reforming the business of other men—these efficiency experts. For the most part they are men who can not get a decent job in a responsible firm. They are like expert witnesses in a case in court—they return a decision, or an opinion, according to the side that employs them. I would rather have the opinion of the Auditor for the Post Office Department—who is not of my party, whom I do not know personally, but who has been kept in that office for many years, through several administrations—as to whether that office ought to be abolished than the opinion of any set of gentlemen brought in here to make an ex parte report. I would rather have the opinion of any one of the Government auditors, and I would rather exercise my own judgment in the matter after an investigation, than have their opinion. But, so far as this doctrine is concerned, that big business houses have only one auditor, of course that is the ordinary rule; and yet we will find out that if they have one head auditor, every large business house has a large number of other men who perform the duties of auditors and who are sent from place to place to audit the books of concerns. I undertake to say that such an institution as the Armour Packing Co. probably has not less than 20 auditors, and that the business is conducted as an entirety, although it is, in the main, a very simple business.

But the business of the Government of the United States is the equivalent of that of a hundred great concerns. Perhaps that is an understatement. We have one branch of our Government that deals with the great questions of transportation. We have another branch of our Government that deals with the question of the collection of taxes. We have another branch of our Government that has to do with excises. We have another branch of our Government that conducts, singly and alone, the greatest business there is on this earth, the greatest business there ever has been on this earth—the Post Office Department—an institution that does business with more individuals every day than the Steel Corporation does business with in 20 years. We have an Army, we have a Navy, we have commissions and boards almost without number, we are conducting manifold activities. When you can get all the fiscal business of that great Government which transacts the affairs governmentally, and to some extent in a business way, of 104,000,000 people audited by six men, you have the proposition down to about as fine a point as can be conceived.

Mr. LEWIS. Mr. President, of course, if so, that merely argues whether it is wise or not. That merely comes back to the question of whose opinion I should take. If the President shall conclude that out of economy and for considerations of better service there should be this consolidation, and the eminent Senator from Missouri shall differ, let us say, as we said when we began, it is a mere difference of opinion. But the question we are considering now is this: Is not this statute necessary in order to permit such consolidation if, in the opinion of those who shall judge of the matter, it is necessary? The eminent Senator from Missouri is compelled to concede that a statute would be required to effect it.

Mr. NORRIS. Mr. President—

Mr. LEWIS. I yield to the Senator from Nebraska.

Mr. NORRIS. I am not on the committee that reported this bill, and I am one who is seeking light. Am I right in reaching

the conclusion from the Senator's argument that if this bill is passed the President, under the powers granted to him, will consolidate all these auditors?

Mr. LEWIS. Mr. President, let me say to the Senator that I have not the slightest knowledge whatever of what particular things the President intends to do under this bill. I have a very complete knowledge of things that ought to be done, as I see them. I say to the Senator that I am replying, in the detail which I am presenting, to the query of the junior Senator from Pennsylvania [Mr. KNOX], the junior Senator from Missouri [Mr. REED], and the Senator from Georgia [Mr. SMITH] from time to time, asking what things could be done under this bill which, under the law as it now stands, could not be done.

Mr. NORRIS. Mr. President, I agree with the Senator that the law as it now stands would not permit the consolidation of these auditors; but it does seem to me that the legislative branch of the Government ought to decide whether they should be consolidated, and if they are to decide that question, how can they do it unless to them is presented the evidence on both sides of the proposition?

Mr. LEWIS. It may be that there is not a necessity. It may be that it is not wise. I merely present it as one of the instances where, according to my judgment, there ought to be a change, and where under the bill a change could be made; as illustrating one of many instances which I have given where a law would have to be passed if a change was to be made.

Mr. NORRIS. Then, let me ask the Senator this question. I am uninformed on the subject. I am asking for information. I want to vote for this bill if, after the discussion and the debate, I am convinced that it ought to be passed; but can not somebody who is in favor of the bill tell us this: Does not the President know, and has he not informed those who are behind this bill, just what consolidations of government he proposes to bring about in case the power is granted? Can the Senator from Illinois give me that information?

Mr. LEWIS. Mr. President, I can not reply to the Senator with the direct information. I can not give him any information as coming from the President. I can only assure him that I have every confidence that any Senator could get that information from the President by addressing him and asking his views, for, if he has them crystallized already, I can not myself see why he would not convey them; but they have not been conveyed to me altogether.

Mr. NORRIS. Is it not the usual course, when such a thing as this takes place—when a change of law comes about that the President desires—that, through the instrumentality of the committee, or a message of the President, or a letter, we can get somewhat in detail, at least, the exact things that he desires to do?

Mr. LEWIS. Mr. President, it may be appropriate at the proper time that information should come.

Mr. NORRIS. Is not this the proper time?

Mr. LEWIS. I have taken it for granted that Senators would acquaint themselves, if they desired, as to any particular branch of the Government in which they are interested. I am merely giving illustrations of branches which, according to my judgment, should be consolidated, or which might be consolidated, which under this bill could be consolidated, but without the bill could not be. But I assure the Senator that I am not speaking with any express authority to me to state the particular things which are to be consolidated.

Mr. NORRIS. Ought we not to inquire before we pass a bill of this magnitude, conveying the very comprehensive powers that it does, by which all the branches and bureaus of the Government could be absolutely changed or consolidated, just what is going to be done if we pass the bill?

Mr. LEWIS. The inquiry of the Senator is not foreign to the subject of our deliberations. It is a very natural one, and I have no doubt that if addressed to the source from whence he would get his information he would get a reply quite as full as he would desire and as full as I could give him or could get from anyone to give him.

Mr. NORRIS. Does the Senator think that when a bill of this kind comes up each individual Senator ought to see the President and endeavor to find out what he proposed to do in case the bill is passed? Ought not that information to come through the committee?

Mr. LEWIS. If the Senator did me the compliment to hear the early part of my argument—

Mr. NORRIS. I heard the Senator's argument.

Mr. LEWIS. He would have ascertained that my position was that this bill had for its purpose to leave the President in a position where, if anything arose suddenly that required immediate action, we gave him authority to act, but that in each instance I took it for granted we would be informed before the execution of the act.

Mr. NORRIS. I heard the Senator's argument to that effect, and, while I have great respect for the Senator's opinion, I do not agree with him in that conclusion. I agree with him in what I believe to be now his later argument—that, for instance, the President could not consolidate the Auditor for the War Department with the Auditor for the Post Office Department unless there were a statute giving him that authority. I understood the Senator just recently to argue that proposition and to cite that as an instance where it was necessary to pass a statute in order to have it done. It seems to me, with due respect to the Senator, that that is really a contradiction of his broader statement that in reality this bill is not necessary, because it does not convey any new power; that the President already possesses it. Of course, if he does possess it, then there is not any real reason why we should pass the bill.

Mr. LEWIS. Mr. President, the Senator overlooked the fact that I pointed out that, according to my view of the matter, because of the differences on the part of Senators as to the power existing it was necessary to pass the bill to make clear the power. Now, let me pass on to some of these lists.

Mr. REED. Mr. President, will the Senator yield to me?

Mr. LEWIS. On the question of the auditor and the comptroller I assure the Senator I am not interested. The great interest the Senator from Missouri manifests in the question as to whether they shall be consolidated, I assure him, is not to my mind at this time important. I was merely demonstrating departments which could not be consolidated, where economies could not be effected, where branches could not be lopped off and new authority conferred without statutory powers, as a reply to the position taken by eminent Senators on the floor who sincerely believe that all the power that the President could exercise or would exercise in this matter had already been conveyed and conferred by the general power that is within him. That was all of my argument on that branch.

Mr. NORRIS. Mr. President, as I understand the statement made by various Senators, it is that we have already conferred upon the President all the power that is necessary in carrying on the war, and that this is a war measure, and if any additional power can be suggested which would be of assistance in carrying on the war they would readily grant it. Now, personally, I concede that proposition to begin with, or if I had any doubt about it I would waive the doubt in favor of giving the President the authority. But it does seem to me that the President, or some one here representing the President, ought to tell us just what is going to be done; and then it seems to me we ought to pass a law giving that specific authority, rather than this blanket authority.

Mr. LEWIS. Of course, Mr. President, I appreciate that there are differences as to that; and it is because of those differences that we have the bill before us, and the debate on the part of Senators.

Now, Mr. President, let me make another suggestion which will interest the Senator from Missouri.

Mr. REED. Mr. President, before the Senator leaves the question of the auditors, will he yield to me?

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. That matter has been cited not only by the Senator from Illinois but by the Senator in charge of this bill, as being a place where there ought to be consolidation. The Senator in charge of the bill cites it as a prominent example. He states that millions of dollars could be saved by the consolidation, and that six very eminent gentlemen have reported in favor of this consolidation. Let me ask the Senator from North Carolina if he thinks the consolidation ought to be merely temporary, if it is to effect so marvelous a result?

Mr. OVERMAN. Mr. President, as the Senator is asking me a question, I should like to answer it.

Mr. REED. I have not finished stating it.

Mr. OVERMAN. Very well.

Mr. REED. Now, Mr. President, the whole argument we have heard is that there are six wicked auditors who are squandering millions of dollars of money, and that their business ought to be consolidated and put under one head; and yet, that proposition is brought forward in a bill temporary in its character; for, observe, I read:

This act shall remain in force during the continuance of the present war and for one year after the termination of the war.

And I read now the last clause:

Upon the termination of this act—

Which will be at the end of the war and one year thereafter—

all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

So that if the evils of which the Senators speak are of the character they express, they ought not to be bringing them in under the terms of this temporary measure; but they should come here with a specific bill proposing a permanent abolition of the departments which they claim are so wasteful.

Mr. OVERMAN. Mr. President, I am sorry the Senator did not understand either my original speech or the speech of my friend the distinguished and eloquent Senator from Illinois who now has the floor. I argued in my speech that there was confusion and duplication in every department of the Government; that for a hundred years, according to Mr. Taft, there had grown up the most unscientific Government on earth; and I illustrated these six auditors as one instance of that, as given by Mr. Taft himself and by the Bureau of Efficiency. But anybody who reads the bill knows that this bill will not affect the auditors unless it is done for the purpose of carrying on the war. As the Senator from Illinois says, it will take a statute to consolidate them. Therefore, without knowing or pretending to say what power the President wants for any specific object, for he does not know himself, he wants this general power for fighting the war, and for no other purpose, and it is limited to fighting the war. He has been able to get statutes passed for that purpose. He has sent down here recommendations for little popgun bills to go through Congress, until we have had to pass seven or eight bills that nobody on earth was opposed to; and every day something is coming up by which the President, if he had this authority, could coordinate and consolidate certain functions without having any particular department of the Government in his mind. Now, that is the illustration.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. LEWIS. I yield to the Senator from Missouri.

Mr. REED. Now, observe: The Senator in charge of this bill tells us that after having talked all this time about the auditors in connection with the war, he did not mean to say they were important at all.

Mr. OVERMAN. For fighting the war.

Mr. REED. For fighting the war. So that the only thing the Senator has been able to cite in support of a bill which is expressly limited to fighting the war is something that has nothing to do with fighting the war. Once more illustrating what I said in the beginning of this debate, that the Senator, after six weeks' study, had been unable to tell us a single thing that ought to be done.

But again, the Senator has once more indulged in a statement which he has often made, and which I think must please him very well, because he makes it every time this bill is up—that our Government has grown up for a hundred years, and that it is full of confusion and duplication, and is the most unscientific government on earth, referring, of course, to its business activities. Now, the Senator says this bill is brought in here to rectify that; and yet, by express language, he limits it to the time of this war, and provides that at the end of this war, and 12 months thereafter, we shall go back to the confusion, we shall go back to the duplication, we shall return to the most unscientific government on earth.

I want to indulge in no harsh statement, and I will not; but I will say that I am unable to understand the argument of a Senator which asserts that our Government is the most unscientific on earth, and that it is full of confusion and full of duplication, and hence that this bill must be passed, and then that proposes, in an amendment brought in by the Senator himself in the committee, to go back at the end of the war to the old confusion and to the old inefficiency.

Mr. OVERMAN. Mr. President, the Senator is mistaken about my being the author of the bill, but I favor it.

Mr. LEWIS. Mr. President, let me reply to the Senator from Missouri.

The Senator from Missouri has an aptitude of misapprehending a situation when it suits the conspiracy of his logic. This bill does not occupy any such position as the eminent Senator's premises would convey. The bill does not provide that these corrections shall be but for two years. The bill provides that the thing done by the Executive order of the President shall be but for two years, leaving it later, let us hope, to the ordinary patriotism and sense of this body, that if what is done by an Executive order under this bill should within the time of the war be shown to be just and applicable to peace times, then this body, by specific act of legislation, would continue it.

The provision of the bill is not, as the eminent Senator would have us think when he holds it up as having a ridiculous aspect, in that the thing itself, if right, is right in peace as well as in war, but limited by us to war only. The bill does that thing

which the Constitution of the United States permits. What is it? The Constitution provides, first, that no appropriation for war purposes shall exceed two years; second, Mr. President, that the attitude of the President in war matters shall only be through war times. All that this bill does is to say that the thing which we permit the President to do by Executive order shall itself only remain in force as an Executive order within that time.

The Senator seems not to apprehend, but to wholly misapprehend, this measure. Therefore, if at the end of the war it were to lapse, and this body, through the precedent that was established, the evidence that was given, desired then in peace times to renew it, it is within its privilege. That is all this bill does. It merely conforms to the constitutional clause respecting war and appropriations in time of war.

Mr. REED. Mr. President—

Mr. LEWIS. I yield to the Senator, having, I trust, corrected his misapprehension.

Mr. REED. Mr. President, the Senator has not only not corrected my misapprehension, but I was under no misapprehension. In the first place, let me call the Senator's attention to the fact that there is no statutory two-year limitation upon this bill. This is not an appropriation bill. I suggest that the Senator read it. This bill can be made to last until a Congress shall repeal it. It can be made as perpetual as any other law of the Republic, and its beneficence can be extended to all ages and all times, save as a future Congress may repeal it, as Congress can repeal any other statute. Senators stand here declaring that there are certain enormities in government that must be wiped out, and that there are certain millions of dollars that are being wasted that must be saved, and yet they bring in a bill which expressly provides—

that this act shall remain in force during the continuance of the present war and for one year after the termination of the war by the proclamation of the treaty of peace, or at such earlier time during the said year as the President may designate.

And then the final clause of the bill, I repeat, is:

Upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

So that the Senator surely can not claim that it is proposed by this bill to permanently reform the various departments and agencies of this Government. The bill is brought forward as a war measure pure and simple; and at the end of the war, by express provision—not by implication, but by express provision—we go back to the exact point where we will be when the bill is passed. I do not see how Senators can dispute that fact, which lies upon the surface of the bill, and which is as plain as the language of man can make it.

Mr. LEWIS. Mr. President, I have yielded to this contribution to my address possibly to improve it so as to attract attention by what others have said to what I have said in my speech.

But, sir, I desire to say to the eminent Senator from Missouri he again is under a misapprehension as to the measure, and I am of the opinion that had he not been under a misapprehension we would have had his valiant support to the full extent that we have had his opposition. The bill provides that these changes shall not have any longer effect as changes under the Executive order, but there is nothing whatever in the provision to prevent this body from continuing the act, as it will be called upon to continue many acts which were passed purely for use of war, or to amend them. The mere fact that the bill itself does not give to the Executive the right to exercise perpetual power is to its virtue and not as a vice against it.

I should like to address one other suggestion to the Senator from Georgia as well as to the junior Senator from Pennsylvania, keeping their interest as expressed in mind. Sir, we have lately taken the Virgin Islands. They are proceeding to administer them. Certain conditions I need not recur to on the floor have transpired concerning them. Would the Senator from Missouri now quickly merge the duties of the Insular Commission and assume to administer the Virgin Islands with the War Department or the Department of State without a statute authorizing the President to do it? We created here, in my judgment, through the wise policy of a previous administration, an insular department to separate it from the conditions which then existed and were burdensome. That now has assumed to administer it. Let me say, and I am anxious not to wander within the privilege of the floor, Mr. President, anxious to administer at this time within the full meaning of the law that vested this control in the insular possessions, we find suddenly a form of war administration put upon the Insular Commission because of the situation of those islands by a condition the public papers and other information suggest at once

to your minds, that I need not at this time allude to—the situation confused because of want of power in the insular department that is necessary to properly administer the present complication, but which only a war department has by law.

No one can deny that if by Executive order now in five minutes you could place the needed functions in the hands of the Secretary of War or the Secretary of State that it would not be done. Mr. President, it can not be done. The Insular Commission has powers which can not be merged into those of the Secretary of War or the Secretary of State for even war uses without a statute repealing the powers that are now in the hands exercised by the commission.

Mr. REED. What power does the Senator refer to?

Mr. LEWIS. The commission, by the administration of these islands, has the power vested in them to administer them, and now are they to be denied by statute if it is desired to vest them in the Secretary of State for certain diplomatic reasons? The Senator will I am sure say that I am now right, that I want to do it by statute.

Mr. REED. What power does the Senator refer to? What the Senator refers to I am unable to determine.

Mr. LEWIS. I took it for granted that the Senator is acquainted with the bill and likewise that he is acquainted with the powers and duties of the Secretary of War, and that he is equally acquainted with the duties and powers of the Secretary of State. Those are the powers to which I refer.

Mr. REED. What is the trouble? What is it about?

Mr. LEWIS. The Senator is equally advised, as I am, of the trouble which surrounds this Government just now. It is that main trouble we are now seeking to meet and the troubles that have come one by one.

Mr. REED. What is it the Senator wants to do?

Mr. LEWIS. It is immaterial what this Senator wants to do or what another wants to have done.

Mr. REED. What is that thing? That is what I wanted to get.

Mr. LEWIS. The Senator can get his information from such source as expects to exercise the authority.

Mr. REED. That is the most illuminating remark I have heard the Senator make. [Laughter.]

Mr. LEWIS. I must admit that there is that in the Senator's speech which discloses to all need of illumination. The eminent Senator from Missouri should be grateful to any source from whence it comes. [Laughter.]

Now, Mr. President, I wish to continue this debate. I want to invite the attention of the Senator from Georgia and the Senator from Missouri and the Senator from Iowa. I should like to have the Senator from Georgia [Mr. SMITH] apprised of the fact that I now touch on that subject. Much is said about the Federal Reserve Board, and much has been said about the Federal Trade Commission, as though these were sacred things not to be profaned by supervision. What sanctity in government has established these boards and their right of sovereign existence? Where is any superlative wisdom on the part of those exercising and executing these duties, which should be for the benefit of this Nation? Now, as to the Interstate Commerce Commission, where is any vested right of office on the part of any man who is a member of the Interstate Commerce Commission? Where is any sacred privilege on the part of any man who is a member of the Federal Reserve Board or an equal sanctity upon the part of a member of the Federal Trade Commission to remain in office or to be exempt from revision of duties? I answer the Senator I do not know what is in the mind of the President. I do not know what will be done under the law in detail, but I say to the Senator, and you can draw any deduction from what I am now saying, that if I were in control of the Government I would on to-morrow abolish the board known as the Interstate Commerce Commission. I would abolish the board known as the Federal Trade Commission. I would abolish the board known as the Federal Reserve Board. I would for coordination and economy constitute one general board of finance and transportation, a number of which would be expert in banking and finance, a number of which, as business men, would be expert in business, a number of which would be expert in railroads. This constituted, concentrated, consolidated board of finance and transportation would be the agency to transact all the matters now done by all the boards I mention. I would have a part of the board treat the subject in which it was skilled, another part of the board treating the subject in which it was skilled, and I, sir, would continue that system. I would not continue these various boards as they now exist. There are too many of these boards, and they have created what this country feels are too many official boarders upon the Government.

For myself, sir, without knowing what shall be done under the act, I say to the Senate that if it does allow that form of consolidation for the purpose of the war financing and railroading, while

the railroads are being controlled by the Government, it should all be done through one single board, under one single influence, exercised by one single agency.

At the same time I favor the control of business by the same agency necessary to be controlled in order to control the war, and by the same agency I would have finance, transportation, and trade go along with each other, concentrated and consolidated harmoniously, instead of being conducted by different boards conflicting with each other and contesting in jurisdiction in the work of each other either out of pride of power or jealousy of personnel.

Mr. CUMMINS and Mr. WADSWORTH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and if so, to whom?

Mr. LEWIS. If the Senator from New York will permit me, the Senator from Iowa has risen first, and I yield to him, and then I will yield to the Senator from New York.

Mr. CUMMINS. There may be very much merit in the suggestion just made by the Senator from Illinois, and if it were proposed Congress might adopt that plan. I only rose to ask the Senator from Illinois whether, in his opinion, this bill confers upon the President authority to create any such board as he has described of distinguished financiers and skilled men in the transportation service?

Mr. LEWIS. My reply to the Senator is that this bill does permit the President of the United States, as I read the bill, to establish the board as an agency, then to take certain members of the Federal Reserve Board, certain members of the Interstate Commerce Commission, certain members of the Federal Trade Commission, using the men who have just been named as constituting the main board, and concentrate all their efforts in one. That would be the coordination and utilization of the agencies of the Government as premittted in the bill. Such is my reply to the Senator.

Mr. CUMMINS. I think the Senator from Illinois has misapprehended the bill as fully as he believed the Senator from Missouri had misapprehended it. I do not find in the bill any authority to create any such board. The President can take an agency or a commission or an officer existing now under the laws of the United States and transfer to that office, that agency, that commission the power which he desires that it may use.

Mr. LEWIS. By using the word "board" I might have caused the Senate to feel that I meant to create an original tribunal merely called a board. I used that word before because we have been using it in connection with what we have called the Federal Reserve Board and the Federal Trade Commission. Of course, I mean an agency, born of the consolidation, by any name. I invite the Senator's attention now to section 1, lines 9 and 10.

Mr. FLETCHER. Mr. President—

Mr. LEWIS. In just a moment. One says where the President as Commander in Chief of the land and naval forces is authorized "to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer." I yield to the Senator from Florida.

Mr. FLETCHER. I desire to call the Senator's attention to the report of the committee, which perhaps answers the question of the Senator from Iowa with reference to this particular bill. As originally introduced the bill probably would have given such authority and power as the Senator from Iowa suggests, and the Senator from Illinois may have that in mind, but if the Senator will look at page 3, beginning with line 4, he will see that the committee has reported the following language to be stricken from the bill as it was originally introduced, to wit:

And to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

That provision in the original bill, if the report of the committee is adopted, would be eliminated, and it would be under that provision, I think, that the authority would be found to do what has been suggested by the Senator from Illinois.

Mr. CUMMINS. I am very much opposed to the provision in its present form for reasons which I shall give the Senate before the debate concludes. I did not suppose, however, that it contained the power which has just been claimed by the Senator from Illinois. If it does it is infinitely more dangerous and menacing and indefensible than I supposed it to be. I shall not, however, characterize the bill as I would characterize it if I thought it contained any such power as the Senator has now suggested.

Mr. SMITH of Georgia. Mr. President—

Mr. LEWIS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I desire to express my full agreement with the Senator from Illinois as to the meaning of this

bill. The language at the close of the section that was stricken out as originally drawn reads—

and to employ by Executive order any additional agency or agencies and to vest therein the performance of such functions as he may deem appropriate.

That was the original draft, and it was just as broad as language could make it. The committee struck that out and put other language in which in practical effect accomplishes precisely the same result. Let me read it. Section 2 was amended so as to provide—

That in carrying out the purposes of this act the President is authorized to utilize—

A new word—

to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law.

Mr. President, under the Council of National Defense there were innumerable executive and administrative agencies. Under the food and fuel act and under the alien enemy act the President was given the right to create and has created innumerable agencies. Any of the agencies put into any of these places may be taken by the President and put into a board, as this bill is drawn. In practical effect it gives a free hand to create an agency under the existing laws and to transfer to them any of the powers covered by the bill. It practically goes back, in my opinion, to the bill as it was first written.

I do not always agree with the Senator from Illinois, but I enjoy the privilege of agreeing with his construction of the bill.

Mr. LEWIS. I regret to hear that my eminent friend from Georgia does not always agree with me, and thus is wrong at any time.

Mr. SMITH of Georgia. I wish the Senator was always right.

Mr. LEWIS. I regret that at any other time I may have been thought wrong by the Senator. Now, sir, looking at the legal conclusion, we are discussing now what, under the bill, could be done. Senators have inveighed against my position. My eminent friend from Missouri and others have done so. I have now pointed out specifically a thing in which I am greatly interested. Having watched the movements of our Government, I have pointed out the particular thing that ought to be done which, in my judgment, also would point to a success that the bill would bring if in the conduct of the war, the administration of the Government, the President feels that such would be necessary to win the war or accomplish any object in the war. I hold that under the bill these things that I pointed out could be done, and I appeal to Senators opposing the bill, and I propound this interrogatory, Could they be done without a statute? The answer must be, they could not. Could these powers be taken from these respective boards and centralized in a single body, though made up of the membership of the same men of the old boards, without the statute now before the Senate for consideration or a similar one being enacted? The reply would have to be that they could not. Therefore a statute would be required to make it effective. The answer must be some statute of this kind.

Mr. President, I have concluded the particular details. If I have others, I shall not burden the Senate with them. I have allowed myself to be interrupted at length, and I state in the form of "exhibits" to the evidence that may point to particular proof to sustain certain conclusions I have drawn from the bill.

Now, I want to say to Senators, I have no more knowledge than the most uninformed Senator of what particular thing is in the mind of the Executive as to what he would do under the bill, nor of his advisors, speaking of the Cabinet as such. I have heard no more than you have heard. I am advised, however, from different branches and different sources of the need of changes. In what spirit and in what way those changes will be affected, I am compelled to leave to the Executive himself. For myself, I will not anticipate how he will make them, when he will make them, or where he will make them; but I will assume that the impeachment you have made as to the present system is well founded, that the wrongs should be remedied, and that this bill will remedy them, and therefore the bill should pass.

Mr. President, what is the opposition to the bill? It takes two forms. One that it is unconstitutional to exercise such authority; the other that it is a usurpation of executive powers to indulge in and enjoy it. What ancient echoes! How long have we heard them! On the part of any President to do anything in any emergency he has been confronted with the cry "unconstitutional," or with the alarm of "usurpation of power."

Mr. President, a man has but to recall the history of the land to realize how these things are but a repetition; how Andrew Jackson was held up to excoriations on the floor of the Senate when he sought an Executive order for the general concentration of the departments, for the utilization of the officers then

in power, for the cutting off of those things that were useless, that grew out of the land as excrescences.

Does any Senator have a need of information as to what is called the Crawford Act of that time, an act that had been gotten through by Crawford, of Georgia, that had for its purpose that a man should occupy office only for the full term, until the end of his term?

When Jackson sought to remedy that by putting out men who were inefficient, without regard to whether the term had expired or not, in a bill similar to the one before us, and from a part of which it appears the committee has copied the phraseology, he was arraigned as having for his intent the "usurpation of power" and drawing to himself the strength to utilize the muniments of government for some private welfare that none could see, but all could accuse.

When Lincoln issued his emancipation proclamation, then without regard to the justice and equity and humanity of it, how many learned intellects there were in the country who called attention that he was striking property down by an Executive order, and not by legislation, granting that, even if it were right, it should be done by Congress. We heard that from both branches of the contention, as we now remember history.

Shall the eminent junior Senator from Pennsylvania [Mr. Knox] fail to recall that when Theodore Roosevelt, then President of the United States, found it necessary, in order to meet certain unwonted conditions, to "take the Panama Canal," to use his own language, how upon every forum he, too, was made the object of condemnation upon the ground of "usurpation," "unconstitutional"? Yet there is not a man to-day, of any political party, consulting the emotions of his heart, the information of his brain, and the conditions of his country, who will not applaud the courage that dared step over the bounds of legislative prohibition and seize the situation as he found it in order to protect his land at an hour when war from the East brooded like a black cloud fraught with storm over the houses of the Nation; and yet he, too, heard "usurper"; he heard "unconstitutional" hurled at him.

Has it come to the point that every time we assume to do anything that the emergency requires and wisdom and patriotism dictate we are ever to be confronted with suggestions, born of technical construction and pride of opinion, how to defeat it, never how to accomplish it?

I think I catch the temper of the American public, and I warn this body, if I may be so bold as to use the language, that the American public will not be patient with those who ever seek a reason to prevent the Executive from carrying out the will that he feels it is necessary to enforce in this trying hour, when he, as Commander in Chief, should have the right and privilege. The country has put Woodrow Wilson in command; he is the Commander in Chief. The war has been declared by a joint resolution passed by the people through the voice of their representatives; the power has been placed in him to conduct the war; he asks it of this body to give him assistance, and, in giving him assistance, he indicates with clearness some of the things which he asks at your hands.

The joint resolution declaring war provides:

That the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government.

I call the Senate to remember that Woodrow Wilson will be President for three years. Nothing but death can prevent that—and God is good to America. President Wilson will command this war. He will take responsibility and will not allow any agency to deprive him of the necessary authority to win this fight. I warn you that neither for political opportunity nor for personal advantage of any man will the opponents of unlimited authority to the Commander in Chief be permitted by the people to succeed.

The people want this war won. The country wants the Germans beat back—that they may not beat America down. Any man who now is against the war is against America, and any man who is against any measure that the President demands as necessary to win the war is against the President.

The people of the United States will not be patient with obstruction rolled in the road labeled "Constitution," or of the call summoning opposition in the ancient cry, "Beware of usurpation of power." The country gave Wilson the power in the declaration of war, and demands of Congress to throw off its bridle and bit.

When we ask here for these resources, that he may utilize the necessary power, distinguished Senators find a reason for opposing the request. They may be right in theory; the construction of the law they adopt may be correct as construction

by rule long prevailing in peace time; in principle of constitutional construction it may not be sustained by precedents; but, Mr. President, this is not the hour when the Nation will tolerate obstruction from refined minds or for mere analytical deductions or the indulgence of constitutional disquisitions, because it may be their opportunity to revel in them. They must confront the fact that that man anywhere who opposes the war, opposes his country, and the man who opposes the methods the President asks for conducting the war, opposes the President. There is no way he can escape the condemnation. Merely that he finds an excuse for doing it in constitutional argument nor will the assertion of conscientious opposition justify it. The test of patriotism is not yielding up a view which you regard to be wrong. The test of patriotism on the part of ability and sagacity is to yield up that which you feel is right, if to do so would produce a greater result, than to exert and insist upon your own conception or execution. Sirs, it is because of that, I respectfully urge, that these objections by eminent Senators to this measure do violence to the purposes for which we sit here. That they obstruct where they should have advanced. They defeat where they should succeed. They dishonor where they should ennoble. They proceed upon grounds of delicate and technical character that can not be justified in the plain mind of the plain citizen who is requiring of Congress now haste that it may give quick victory, and not continue this slow, drawn effusion of intellectual vaticination to gratify themselves in economic, polemic, or political perversity.

Contemplate what this Nation has done with the clumsy and embarrassing machinery that was transmitted to the present administration. A Nation at peace, crystallized in its convictions that war could never be put upon America and that there would never be a necessity to prepare for any conflict from without. Still, within one year this indomitable America put an Army in the field exceeding in numbers and equipment that which any free country ever produced in the same length of time since history was recorded. It brought its Navy from the fourth rate to the second class of the world, and in transporting soldiers to foreign fields across turbulent and assailed seas lost not one sailor of a ship patrolled by the American Navy. It supplied in foods and necessities three nations of the earth, to an extent and character exceeding that which had ever contributed in the same length of time from any sources Christ fed the famished with the loaves and fishes upon the Sea of Galilee. It expended in money for its own defense and the uses of its allies in conflict, a sum of money passing into the billions of dollars—exceeding in amount that which was ever contributed in the same length of time from any sources for any purposes under any circumstances in the recorded history of time.

Let it be remembered that the United States, far removed from conflict, educated to peace, deluded in the belief that isolation meant security and a law-abiding nation meant tranquillity as against the world, suddenly transformed itself, through the necessities of the defense of its life against assault, and within one year's time equipped and set afoot and marching on its way to the salvation of America men, money, and equipment the equal of that which any country at war, resting on arms, awaiting bugle call to war, educated in 100 years of yearly conflict in some quarter of the globe, had done in three years.

Without entering into scheduled detail, let us contemplate America's self-imposed soul's transformation:

She reversed the currents of her life for a generation. She had wooed her blood to flow as tranquil streams of peace. In an hour she had beaten them into foaming gushes of war. She had luxuriated as a prodigal in indulgence to every desire and reveled in every extravagance. In a day she became the meek convert to economy and the obedient disciple of frugal saving. From a nation of a life limited to the consideration of her own Republic she became the anxious guardian of the needs of the world. From a citizenship that concerned itself only with activities and welfare of her own States, she expanded as conservator and defender of the rights of man in every land. From a nation whose only object was self-preservation, she transformed into a mother of justice to man; a guardian of liberty to nations; then resolved her existence into a pledge to all civilization for the rights of the weak and the deliverance of the oppressed.

In all time there has been no such record of sacrifice of interests, of yielding up of comfort, of giving of the wealth, and the deliverance of children even unto death for the salvation of the world to enjoyment of liberty and its preservation upon the principles of Christianity.

I know the sincerity of every Senator opposing this bill, but I warn you, Senators; I call your attention that if this bill

does not pass, Senators on the opposite side of the Chamber, some of them, and Senators on this side of the Chamber, some of them, will be found in different parts of this country impeaching the administration for the clumsy manner in which it is conducting the affairs of the Republic, its failure to coordinate its branches, and its omission to centralize its powers; its extravagant methods of execution; its want of executive ability; and its failure before the world. Mr. President, I can not be patient longer with the discussion or condone the reasons offered as excuse for the delay in passing the bill. I will not indorse opposition to a measure in time of war that might only be justified because of some conditions in time of peace.

This measure is brought here, and you are presented by the President himself with the argument for the necessity of it. He has tendered it and asks you to give him the use of it. He must have some reasons for it. Surely you will grant him that his reasons are not lawless. He has no private purpose to serve; he has no political object to benefit. He must have a purpose which you will trust to your Commander in Chief, or he is not worthy of his seat and should be toppled from it by your impeachment.

I charge no man with insincerity; I recognize the purpose of every man in his opposition; but I do say here that when I view this measure and contemplate what I feel to be the object of it, to benefit this country and help the victory that the hearts of our people pray for, I say that those who oppose it may take their satisfaction in nice disquisitions of law, in the conceit of analyses upon constitutional authority, and in the indulgence of pride of opinion; but in doing so these Senators serve the Philistines.

"As for me and my house, we serve the Lord."

Remove the obstructions. Let this bill pass.

Mr. VARDAMAN. Mr. President, the discussion this afternoon has been very interesting. The versatility and variety of information has enabled Senators to plant themselves on the circumference of universality and take a crack at creation; they have discussed every subject, from a pebble to the stars, but, fortunately for the Senate, they have done so learnedly. I shall only engage the attention of the Senate for a very few moments; I shall content myself in stating in a few words what I think of this bill, and then I shall permit the Senate to proceed with its further consideration.

Mr. President, there are many of the powers of autocracy embodied in the pending bill, powers which may be necessary for the successful or proper conduct of the war. I am impressed, however, by the fact that the powers sought to be conferred by this bill, so far as my reading of American history goes, are powers that were never exercised by the Chief Executive of this Republic in any of the great emergencies which mark its glorious past.

One of the disquieting signs of the times is the avaricious reaching out for power by every department of the executive and administrative branches of this Government. If the Congress had not already gone so far in the delegation of these unusual powers I would hesitate long before giving my vote or quietly acquiescing in the adoption of this measure. I still have hope that before it reaches a final vote upon its passage it may be shorn of some of the powers which I do not think necessary to vest in the President in order that he may perform properly the functions of his great place and meet the requirements of the terrific situation that confronts us.

The transference to the executive department of the Government of so many functions which belong to other departments has well-nigh changed this Republic, in fact it has, into an autocracy, and I am persuaded to believe that this additional power will not add to our difficulties in the reorganization and rehabilitation of the Republic after the war is over. So, viewing it from this standpoint and in this light I expect to vote for the measure.

I realize further, Mr. President, that the real purpose of this bill is to permit, with legislative approval, the Chief Executive to do many things that were suggested by the honorable Senator from Oregon [Mr. CHAMBERLAIN] some weeks ago that ought to be done, and in the doing of these things to deny to the honorable Senator credit for the suggestion.

Now, Mr. President, I am going to ask the indulgence of the Senate for a moment while I give the reason for voting this afternoon for the report of the conference committee, about which a great deal has been said, some of which I think was unnecessarily acrimonious. I want to say a word in behalf of that class of our people who in time of war bear the brunt of the conflict and in time of peace, by their patient toil, produce the stuff to feed and clothe the world. To paraphrase the language of another—

"Bowed by the burden of taxation, he leans upon his hoe and gazes upon the ground, the tragedy of injustice written in the wrinkles on his face and on his back the burden of the world."

Mr. President, nothing should be left undone by this body calculated to strengthen American arms and promote the interests of our cause in this death grapple of the nations. If necessary to call to the service of the Nation every man, woman, and child beneath the flag for the success of our undertaking, I, when convinced of that fact, am willing and shall vote for such a measure. In time of war everything the citizen owns belongs to his country if his country needs it—even his life. No man will go further or do more in proportion to his ability than I will in that direction. But, Mr. President, I want this great force handled and disposed with an impartial hand. I want the same rule, the same measure, used in measuring the duty of capital that is employed in measuring the obligations of labor. I would not exempt either from the pressing obligations of the hour. There is a duty to be performed by the man who reaps as well as the man who sows, the man who plans as well as the man who executes. If there is an evil anywhere in our system, let us correct that evil by extirpating the root, removing the cause. The problems before us appear almost insoluble. The cause of our country certainly is a righteous cause; and if it is a righteous cause it is the cause of the people, and to win it must have the moral support of all the people. A war to make the world safe for democracy must be waged by the people, and the people must be fired and enthused by the spirit, the genius, and purpose of democracy. And that fact can not be too well understood by the servants of the people who compose the Congress of the United States. You can not erect an enduring structure upon a mere temporary foundation, nor can you build a lasting democracy upon expedient or imperialistic principles and policies. The lasting element in government is the inherent principle of moral law, and its foundation must rest upon justice. Justice is the one everlasting quality in the governmental fabric. "The moral law is written on the tablets of eternity. For every false word or unrighteous deed, for cruelty and oppression, for lust or vanity, the price has to be paid at last," says Froide; and that is true in time of war as well as in times of peace.

Mr. President, I never see a man in these terrible times scheming to make money out of this war or shirking responsibility when blood is flowing from the veins of our precious boys in the trenches of France like the waters of Niagara, when the cries from broken-hearted mothers, bereaved wives, and orphaned children fill the circumambient air—I never see such a creature without a feeling of contempt, mingled with a profound sense of commiseration. It is useless to grow angry and denounce furiously such a person, because it does no good, nor will extreme punishment avail anything. Such perfidy can be accounted for only upon the theory that the man does not know the consequences of his own acts. It betokens a moral obliquity for which doubtless the foolish creature is in part only responsible. "Father, forgive them; they know not what they do."

I am in favor of doing the thing needful to win this war. If necessary to conscript labor, we will conscript it; but do not let us conscript labor until we first conscript the dollars of the rich and every other useful member of society. I believe to the greed and cupidity of the capitalistic element of this country is due in a large measure the thoughtlessness, indifference, and selfishness manifested by labor in some of the industries of this country. These laboring men are only following the example set by the plutocratic elements who conceal their cupidity by wrapping themselves in the American flag and, like the pharisees of old, stand on the street corner and in the churches and proclaim their exalted virtues.

At this point I want to call attention to a suggestion made by Mr. Denman, formerly chairman of the Shipping Board, in testifying before the Commerce Committee, which has my most cordial and unqualified approval. He says, speaking of this Hog Island infamy:

What should really have been done there, if I may hazard the suggestion, is this: Those gentlemen in New York should have said to the Shipping Board, "Why do you not form a \$2,000 corporation and accept from us these five or six men at \$1 a year?" If capital is going to justify the \$1-a-year system, why, when we had a great constructive enterprise for the Government to carry through, could they not have said to us, "Take these men?"

Then we could have gone to labor and we could have said, "Now, the fellows on top with the money are contributing their bit. Do not press us all the time for increased wages; do not strike; do not stop your work; but come in and play the game along, because this is not the time to try to get as much as the other fellow is getting."

If we could only put our finger on one place in this country where that had been done, it would simplify the labor problem enormously. But these men started in at 10 per cent—

These patriots for pelf!—

These men started in at 10 per cent, and they got one administrator to figure 6 per cent, and they fought all the way down the line, until they are now getting what must be a very liberal compensation; and in the process of doing it they have done exactly, in the way of delaying things, what it is complained that the labor men are doing in the way of delaying things to get their bit.

In this connection, Mr. President, I want to call the Senate's attention to the fact that when the Government came to deal with capital in the matter of conducting the war, in my judgment, an unwarranted generosity has been shown capital. The railroads which the Government has taken over in order to aid the Government to more successfully conduct our campaign against Germany are now enjoying probably the most profitable period in the history of the railroad business in America. The price which the American people are paying for the use of these roads is the average profits for the three years next preceding June, 1917, which I am told were the fattest years in the railroad business. There is no justice in that. There is no fairness in it. Practically every other interest, every citizen, is making a sacrifice, and I can see no reason why this especial privilege or advantage should be extended to the railroads. There is nothing sacred in railroad bonds which entitles them to special favors in this hour of our national distress. Every dollar unjustly taken from the National Treasury for the excessive pay of the railroads for service rendered during this war enhances the debt which posterity must pay and increases the burden which must be borne by the generations that follow us. It adds just that much to the enormous load which so heavily rests upon the aching stoop of the already tired and overburdened toilers and their children.

But that is not all. During our investigation of the cause of the shortage of sugar and coal it was developed that the sugar refiners were awarded the same profits for refining sugar that they enjoyed in peace times. When I asked the distinguished witness before the committee why that special favor was extended to the wealthy and prosperous refiners his answer was that "corporations would not play the game unless they are given dividends."

Ah, Mr. President, it is a sad and lamentable state of things when we have to buy the rich men or corporations of this country to perform their duty to their country in a great emergency like the present. And when we came to levy taxes with which to meet the expenses of this war Congress refused to tax the excess war profits as much as 50 per cent. Men have grown fabulously rich out of the opportunities afforded by this war, and yet they are going to be permitted to retain those riches while the burden of taxation will be borne by the children of toilers yet unborn! Mr. President, it is all wrong. It is not giving the toilers of this country a square deal.

When you consider all of these things and take into account human nature as it has been since the days of the Pharaohs, all down through the ages to the present time, and as it will continue to the end, you will understand why the selfishness of man asserts itself as it has been manifested by some of the laboring people in the great shipbuilding enterprises of this country.

If the man of capital at the beginning of this war had brought his plethoric purse and thrown it down upon the altar of his country and said, "Take it and use it. It is yours. For the good of our Nation, not only do I consecrate my money but I give my time and all to the service of the Stars and Stripes"—if the men of large means had manifested that altruistic, patriotic spirit that ought to animate the breast of every devoted American citizen there never would have been a word of protest, complaint, or question uttered by the great masses of laboring men and women in this Republic.

In the words of Edwin Markham—

For all of your days prepare,
And meet them ever alike;
When you are the anvil, bear;
When you are the hammer, strike!

Mr. ASHURST. Mr. President, I would not address the Senate at this late hour of the day on this bill if it were not for the fact that I have made arrangements to be absent to-morrow, to visit some Arizona boys in the National Army at one of the near-by camps. That is my apology for consuming time this late in the afternoon.

Following the precedent set by the distinguished Senator from Illinois [Mr. LEWIS], who preceded me, I will ask unanimous consent to have incorporated in the Record at the beginning of my remarks a copy of the bill under consideration, Senate bill 3771, the so-called Overman bill. I should like to ask that it be included in the Record as reported by the committee.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, permission is granted.

The bill, as reported from the Committee on the Judiciary, is as follows:

A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Be it enacted, etc., That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record: *Provided*, That this act shall remain in force during the continuance of the present war and for one year after the termination of the war by the proclamation of the treaty of peace, or at such earlier time during the said year as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force: *Provided further*, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

SEC. 2. That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

SEC. 3. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

SEC. 4. That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

SEC. 5. That all laws or parts of laws conflicting with the provisions of this act are to the extent of such conflict suspended while this act is in force.

Upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

Mr. ASHURST. The distinguished Senator from Illinois [Mr. LEWIS] is one to whom we all listen with pleasure, and to whom we send out a Macedonian cry for help when we are candidates for office. We are glad to hear his voice upon the hustings urging that we be returned in election time, and I am pleased that so many Senators listened to him this afternoon. Those upon our side of the Chamber who attempt to confuse him by whispering here and there, in order to divert his attention, will not divert his attention nor his mind from the subject upon which he is talking; and those who willfully seek to divert him will be the first to call for his assistance. [Reading:]

A democracy making war is never an agreeable sight, for it is not in its normal line of life. And those who sneer or jeer because it does not play the game as well as might be pay an unconscious compliment to the merits of free institutions. It takes time to accustom men to the short, hard words of command and to the surrender of personal judgment. It is not easy either for a nation to turn its back upon the conception of a world where justice works out its ends by quiet processes and in its stead come to the stern belief that the ultimate court is a battle field. So if there is wrenching and side slipping and confusion, there should be no surprise. The surprise to me has been with what comparative ease the transition has been made and how much unconscious preparation for the new work has been already made.

Perusing this afternoon a copy of the annual report of the Secretary of the Interior, my mind caught that paragraph. It states the handicap under which our Government labors. It states so well the difficulties which we have to meet and sets down in such terse, luminous, and dignified language what we must do that I thought it ought to be read. It is an excerpt from the annual report of the Secretary of the Interior for the year 1917.

The Constitution of the United States specifically empowers the Congress to declare war, and it prohibits such powers to the States. Quite distinct from the reasons and the circumstances under which war may be declared, the President, upon such declaration, instantly becomes the directing figure in the contest. This is for the reason that the Constitution makes him Commander in Chief of the Army and Navy as well as of the militia when called into the service of the United States. Article II, section 2, of the Constitution of the United States provides as follows:

The President shall be the Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the service of the United States.

Under the narrowest and most restricted interpretation, to be Commander in Chief means a vast deal.

Such power, however, does not mean power to create armies or navies or power to raise funds for war purposes, for these are duties and prerogatives of Congress; but after the men, money, munitions, and ships are supplied, the President becomes commander in all that the word implies. He has full power to appoint or remove commanders on land and sea, to station and direct the movement of troops, to plan and direct campaigns, to devise any and all measures to overcome the enemy, to dictate matters that may mean life or death for both soldiery and civilians. A clear expression of the difference in the functions and duties of Congress and of the President in the matter of conducting a war is stated by the Supreme Court of the United States in *Ex parte Milligan* (4 Wall., 139), to wit:

Congress has the power not only to raise and support and govern armies but to declare war. It has therefore the power to provide by law for carrying on the war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief.

When Fort Sumter was fired on, in April, 1861, under circumstances which could mean nothing less than war, some Presidents might have called Congress into extraordinary session, and the critical posture of affairs at that time seemed to demand an extra session of Congress; but President Lincoln chose a wiser course. He knew that in both Houses there would be strong differences of opinion; he knew that valuable time would be lost in fruitless and useless debate. He therefore dealt with the situation in the strong and direct way and postponed the calling of Congress for some weeks, placing the date of assembling of Congress as late as the 4th of July that year.

Meanwhile the President set about raising an army. After the fall of Fort Sumter he issued a proclamation calling for 75,000 State militia to be mustered into the national service for a period of three months.

The suppression of insurrection being one of the purposes for which the President may call out the militia, such action was taken. The President promptly decided, however, to take advantage of the outburst of feeling to make a further increase of the armed forces of the Nation; hence, by proclamation, on May 2, he called for 42,034 volunteers to serve three years, and thus ordered substantial increases of both the Army and Navy. These acts were hotly denounced as clearly contrary to the letter of the Constitution, which lays upon Congress the duty of determining how many and what kind of national troops shall be raised.

During those troublous and turbulent weeks the President also proclaimed a blockade of portions of the southern coast, incurred in the name of the national defense vast expenditures unauthorized by Congress, adopted and put into operation a general plan of campaign against the Confederacy, and authorized his generals to suspend the privilege of habeas corpus whenever circumstances seemed to them to demand so extraordinary a step.

Numerous arrests entailed repeated suspensions of the writ of habeas corpus, for the arrests would have been valueless had the civil tribunals been in a position to set free the apprehended person. The Constitution authorizes the suspension of the fundamental guaranty in time of war or public danger. It does not, however, say by whom the suspension shall be ordered.

Nevertheless, it was exercised independently by the President for nearly two years, and by act of March 3, 1863, Congress ratified the President's acts and gave him power to suspend the writ during the war, whenever in his opinion the public safety required it. Thereafter, until the close of the war, a certificate that a prisoner was held under the authority from the President was a sufficient answer to any demand from a civil tribunal for the prisoner's appearance for examination or trial.

One of the most interesting features of the present state of things—

Wrote a correspondent of Charles Sumner during these weeks—

is the illimitable power exercised by the Government. Mr. Lincoln, in that respect, is the equal, if not the superior, of Louis Napoleon. The difference consists only in the fact that the President rests his authority on the unanimous consent of the people of the loyal States, the Emperor his on the army.

When Congress met on July 4, the President presented a full statement of what he had done. There was little need to dwell on the urgency of the situation or to defend those acts which were plainly within the prerogatives of the Commander in Chief. As for the others—the increase of the Army and Navy, the al-

leged unauthorized expenditures, and the suspension of the habeas corpus—the hope was expressed that, even though not considered strictly legal, they might be ratified, and they were ratified, but not without debate; and references were made in a disloyal and copperhead press regarding "Lincoln's odious tyranny and violations of the Constitution," which phrases have, since we entered this war, resounded in this Chamber from the lips of those who could not silence the insect chorus of their criticism even though such silence were for their country's good.

As the war progressed the volume and extent of power in the hands of President Lincoln rose to enormous proportions. From first to last a close control was kept by the President over military and naval operations. Lincoln was in the fullest degree a Commander in Chief. He resorted to many devices. He used his powers in all possible ways, indirect as well as direct; for example, the maintenance of the southern blockade, which he believed would shorten the war and insure success. Orders—usually mere telegrams—went out from Washington savoring strongly of the lettres de cachet of the eighteenth century, and Wendell Phillips, whose agitations aided in bringing on the war, declared in lectures in New York and Boston in 1861 that "the Secretary of War puts into his bastille, with a warrant as irresponsible as Louis, any man whom he pleases." Wendell Phillips, the orator, could not see that force must be employed to win victories in war.

In a speech at Cooper Institute in New York City on the presidential election (1864), the same Wendell Phillips said that for 30 years he had labored to break up the Union in the interests of justice, and now he labored to save it in the same interest. Phillips said he judged Mr. Lincoln by his words and by his deeds, and so judging him, he was—

unwilling to trust Abraham Lincoln with the future of the country. Let it be granted that Mr. Lincoln is pledged to liberty and union; but this pledge was wrung out of him by the Cleveland movement, and was a mere electioneering pledge. Mr. Lincoln is a politician. Politicians are like the bones of a horse's foreshoulder—not a straight one in it. A reformer is like a Doric column of iron—straight, strong, and immovable. It is a momentous responsibility to trust Mr. Lincoln where we want a Doric column to stand stern and strong for the Nation. * * * I am an abolitionist, but I am also a citizen, watchful of constitutional liberty; and I say, if President Lincoln is inaugurated on the votes of Tennessee, Louisiana, and Arkansas, every citizen is bound to resist him. Are you willing to sacrifice the constitutional rights of 70 years for your fondness for this individual?

Mr. Phillips then quoted some opinions from prominent men in the Republican Party:

A man in the field said, "The reelection of Abraham Lincoln will be a disaster." Another said, "The reelection of Abraham Lincoln will be national destruction." Said another, "There is no government at Washington—nothing there." Said another, "That proclamation will not stand a week before the Supreme Court; but I had rather trust it there than to trust Abraham Lincoln to make the judges." Mr. Lincoln has secured his success just as the South used to secure its success. He says to the radicals of the Republican Party, "I am going to nominate myself at Baltimore, risk a division of the party if you dare!" and the radicals submitted. Political Massachusetts submitted and is silent; but antislavery Massachusetts calls to the people to save their own cause. Mr. Phillips said he "wanted free speech to let Abraham Lincoln know that we are stronger than Abraham Lincoln, and that he is a servant to obey us. I distrust and despise the man who uses whole despotism in Massachusetts and half despotism in South Carolina, and that man is Abraham Lincoln."

All this was said of whom? Nicholas Romanoff? Czar Peter? Ivan the Terrible? No; it was said against that man for whom we can find no marble white enough in which to carve his name.

But it would have required something more than the pelting hail of Phillips's rhetoric to turn Mr. Lincoln from his high purpose, and thus we see Lincoln, a civilian with very little military experience, rise in the fullest degree to be Commander in Chief of the Army and the Navy. We perceive that he was capable of, and did exercise, firmness, a judgment and boldness in striking the enemy that made him in every essential a real Commander in Chief.

Senators, in this perilous hour what reply shall we make in response to the American Commander in Chief who now asks that this power be given him? Shall we paralyze his hand where we should support it? Shall we weaken the arm we should sustain and strengthen? Shall we assist him in his efforts to sever the Gordian knot and thus release the governmental agencies from the entanglements of red tape and bureaucratic delays that now strangle the Government? Let us not sleep in fancied security. The civilization of the world has been in deadly peril since August, 1914, when suddenly it appeared that Von Kluck was guiding, with unerring precision and irresistible force, an engine of slaughter against the heart of France. We remember that on a certain night in September of that year, when Von Kluck's bugles sounded taps, he believed, and undoubtedly the multitudes of the earth believed, that a few days at most would see him enter Paris at the head of his barbaric and ruthless hosts. The dark night passed

away; Von Kluck was baffled and defeated and reeled backward until the hills of the Aisne brought him shelter and protection. Only the resiliency, courage, and capableness of Gen. Foch and Marshal Joffre saved the day. Had Foch and Joffre been hampered by red tape, by orders from a war council, or by a voluble Congress, they would not have won the victory of the Marne, which was to civilization as important as was the victory of Charles the Hammer when he rolled back the surging tide of the Moslem at Tours.

One question to be settled in this war is, Are democracies and republics inherently strong enough to defend themselves? May they gather strength enough to sustain themselves? Do they possess the power of organization, the spirit, and the strength to hurl back the desperate onslaughts and challenges of autocracy? Can free governments grasp and utilize opportunities which will bring victory? I believe they can if they but act with judgment. To do so means that free governments must meet the impact of the enemy with like impact. It means that cunning must match cunning, and ingenuity match ingenuity. Democracy's sons must become accustomed to the short, hard words of command, and to stern and rigorous discipline, or they will fall prone and helpless before the furiousness and precision of the enemy's blows.

This bill, reported by the Judiciary Committee, simply proposes to authorize the President to make such changes in duties and coordination in bureaus as the President may see fit. Senators seem reluctant to grant such authority to the President, although they well know that, under the Constitution, the President has power to order an advance here or a retrograde movement there along the sectors held in France by our heroic troops. The President has power, and upon his judgment ultimately must rest, the question as to whether, and if so when, the American Navy must proceed to the bases and starting points of the German submarines and there destroy them, or whether by constructing more transports we may be able to foil the submarines. These questions of commanding importance will ultimately be determined by the President. No other official in all Christendom is so potent as is the President of the United States. His words ring in every capital. When the President delivers a message to both Houses of Congress men by the scores of thousands besiege the bulletin boards, and wherever newspapers are printed throughout the world men sit through the long night waiting to obtain the earliest intelligence of what President Wilson said. Clothed as he is with immense power, he has not misused it. Personally the spokesman for all the antagonists of the Teutonic powers, having proved himself fully capable and worthy, we find Senators refusing to trust the President with power to order some bureau of the Interior Department to make some experiments for the Navy Department in the way of ascertaining where a larger supply of sulphuric acids for explosives may be acquired. Gentlemen do not feel alarmed when they reflect that the President, by action or nonaction, could cost the lives of thousands of American soldiers and sailors on land or sea, yet they are very much troubled and their perturbed spirits give them no rest when they are called upon to consider a bill which would permit the President to abolish an assistant bureau chief here, or allow the Bureau of Soils to investigate as to whether seaweed could be utilized in making print paper.

It is only a few days since all the armies on the French front fighting against the central powers were placed under the supreme command and leadership of Gen. Foch. This was done in order that the armies of freedom might have facility of movement, concentration, and singleness of aim. It was done without regard to ambition or hope of promotion. Great Britain has pride in her commander, Americans have pride in their commander of our Expeditionary Forces, but to eliminate duplications of work, to bring all the forces under one supreme head, Gen. Foch was placed in absolute command. There are now in the departments here delays, waste, duplications, and wasted energy. The governmental agencies here are enmeshed and almost strangled by "red tape."

This bill, in a small way, emulates the wise example of those powers fighting the Teutonic powers, for it proposes to give to the President the authority to coordinate various departmental agencies in the interest of economy and facility of movement.

Let us ascertain just who is this President, this Commander in Chief, to whom Senators refuse to delegate these powers. The President is not only the recognized spokesman for all the nations fighting the Teutonic powers, but he has frequently been required to correct the errors of other spokesmen. Germany's "second peace offensive" was doomed by the exposure of the real Prussian purpose at Brest-Litovsk, and we recall that it was the address of President Wilson to Congress on January 8, this year, which tore away the disguise and ex-

posed the double-dealing of the Prussians at Brest-Litovsk. The British Prime Minister, Mr. Lloyd-George, addressed to the British Labor Conference a message on this subject, in which he outlined the allied purposes, and declared that the allies were committed to the liberation of conquered countries. He nobly declared that Great Britain would stand with France to the last to have the wrong of Alsace-Lorraine reconsidered. In the matter of Russia, however, the British Prime Minister was not so effective as was President Wilson. The British Prime Minister correctly warned the Russians against the Germans. A few days later, to wit, on January 8, 1918, President Wilson followed with his statement of allied war aims which found instant acceptance in all allied countries, and was by unanimous acclaim throughout the world agreed to be the ablest, the most explicit, as well as the justest statement of war aims that had yet been set forth. President Wilson's message contained sympathetic words for Russia. The President made noble assurances to Serbia and Belgium. His message had words of encouragement for the Poles. The exact value of this address at this time can not be estimated, for it is of inestimable value. It put the Germans at once on the defensive and it relieved the allies from the inconvenience due to misunderstandings at home as to the things for which they were fighting. The message tore the mask of disguise from the face of Germany; it revealed her pretensions and disclosed her cloven hoof. It showed clearly that while Germany was demanding vast territorial areas and populations to which she had not the most remote claim in law or justice, the allies stood before the world as asking only such changes as could be and should be supported on the grounds of right and justice, and throughout the various allied countries there was expressed no doubt as to the wisdom, justice, and conclusiveness of the President's message of January 8.

The exposure of the Machiavellian double-dealing of Germany at Brest-Litovsk clearly proved that while Germany stridently asserted that she was conducting a war of defense, in truth she was seeking empire, dominion, domination, and the enslavement of weaker peoples. Through sorrow and distress Russia has learned what a German peace means. Everywhere throughout the conquered countries where Germany has laid her mailed hand—the Baltic Provinces and the Ukraine—German arrogance, brutality, and requisition of supplies have been so severe that the conquered peoples cry out in despair to the world. Treaties signed and ratified by Germany do not stop aggressions or give any security to life or property. Roumania, Poland, Serbia, Belgium, and the Ukraine bear pathetic testimony to what Prussian peace and Prussian dominion mean.

The action of the Prussian representatives at Brest-Litovsk discloses that the Prussians have thrown Luther Burbank into the shade. Luther Burbank is almost a wizard, an assistant secretary to nature, but the Prussian representatives at Brest-Litovsk were able to make a large crop of lemons grow on an olive branch. [Laughter.]

So, Senators, when we have left these seats forever, when we are forgotten and worthless dust, the statesman, Woodrow Wilson, who spoke so clearly on this occasion, whose voice was as a silver bell struck by a steel hammer, the leader who exposed the Prussian duplicity, will be remembered with gratitude by those who love liberty. Yet this man, who has demonstrated his great capacity for public affairs and has moved with unerring precision in matters of world-wide import, is not to be trusted—so say some Senators—with the power of transferring certain bureau officials and chief clerks in Washington.

Where the President has with clear lenses horoscoped and interpreted events his partisan critics confusedly recognize the events only long after they have happened, and then too often they see them, not clearly but through blurred and indistinct lenses. While the President acts with precision and promptness and correctly points the way, his partisan critics stand like large locomotives on a side track, without driving rods, wasting their steam in vociferous and futile sibilation.

Upon our Nation, the young Hercules that has won many durable victories for justice and freedom and which understands so well the true philosophy of human liberty, is cast a heavy burden, for our Nation now must not only be the stalwart keeper of that serene and steadfast light which guides the course and destiny of civilization through the long darkness amidst which the world is at present moving, but it must also furnish, as it will furnish, a very considerable proportion of the material potentiality so necessary to bring victory against our well-disciplined and ferocious enemy. With our thin gray line of ships—a line all too thin—we must send food and clothes for our soldiers' bodies, weapons for their hands, and medicines and bandages for their wounds. We must also do that which is equally as important—we must sustain their high spirits by constant assurance of our solidarity here at home.

We in Congress bid our American artillery to roar like Jovian thunder; we bid our dauntless men of the sea and our courageous cavalymen of the clouds to strike for our altars and our homes. We know that American soldiers are to-day on the French front standing as living ramparts of valor resisting the insane fury of the German dragon. Let us, therefore, not be found refusing to give them the full strength of our support; let us not be found giving aid and comfort to the enemy by shackling their American Commander in Chief.

Mr. WILLIAMS. Mr. President, it is a consolation in these days of pessimism and bad news from Europe to hear the voice of the Senator from Arizona [Mr. ASHURST] sounding the tone of optimism to its highest possible note. This is a great country, stretching from the Great Lakes to the Gulf and from the Atlantic to the Pacific. This is not "this United States"; this is "these United States"; and when the voice of Arizona goes out in the way in which it has just gone out it is responded to by the voice of Mississippi.

There are traitors and disloyal and lukewarm men in Mississippi, as there are in Arizona and Ohio and New York and Massachusetts and elsewhere; but the great majority of the people have their hearts in this fray, and they answer to the brave and true words of the Senator from Arizona in words equally brave and true. Away down on the Rio Grande and at the mouth of the Mississippi echo answers echo, and we people of the English-speaking race in America, in Canada, in Australia, in New Zealand, in South Africa, in England, in Wales, in Scotland, and in Ireland—in spite of a few traitors in Ireland, not many—respond with stentorian tones that even if the Germans win the present offensive, if they put France out of commission, if they then can concentrate upon the Italian line and put Italy out of commission, these great English-speaking races from eight great countries—England, Scotland, Wales, Canada, New Zealand, South Africa, Australia, and America—commanding the sea, controlling the raw materials of the world, disposing of raw materials and war resources, can still by themselves whip Germany and Austria-Hungary and Turkey and Bulgaria and all the other barbarian powers of this world, fighting, as we are, in the cause of Christ, the God of justice and of mercy, against Thor and Woden, the gods of the ancestors of the present Goths and Vandals, which gods have recently been restored to power by them, restored to power by them in the expression that "might is right." However, God has taught that in the long run right must be might, and that if right were not might at the beginning it must become right before it could prevail.

I have not heard anything during this session of Congress that pleased me as much as the words of the Senator from Arizona. Optimism? Yes. Fool optimism? No. The enemy may whip for a month or two months or six months or six years, but the great English-speaking people have on their side the God of justice and of liberty and right; and with that alliance they can not fail. I care not whether Armentieres surrenders to the enemy or not; I care not whether the French and British Armies are separated from one another or not; I care not if the French are held in check while the British are being driven back to the Channel; I care not even if the British are being held in check while the Germans are taking Paris; localities, geography, nothing has anything to do with this war except the eternal justice of God and the eternal spirit of liberty, and the God of justice, who is the God of liberty and the God of democracy, because He taught a common fatherhood of God and a common brotherhood of man. He must win this war, because if He does not hell will be in command of the world; and I can not conceive that hell can be in command of the world while good men pray that "God's will shall be done on earth as it is in heaven," and "God's kingdom shall come on earth as it is in heaven," because God is all powerful and we are the mere instrumentalities of His power; and in democracy the common sense and the common conscience of the common people are the instrumentalities which God has selected to rule this world, and, by God's grace, they will rule it.

There may be times when some one else may rule it for a short time, but they can not rule it in the long run. I summon the American people—or I would summon them if I had the power and voice; I have neither—I would summon them to remember that "God still reigns," that liberty is sacred, and that God made all men so free that he left each one of them to go to the devil if he chose; so much does God worship liberty.

I hear now and then something about our not having been prepared for this war. I hear blame and criticism because we were not prepared. I hear the same blame and criticism concerning Great Britain, Canada, New Zealand, Australia, and South Africa. Mr. President, you can eat your cake or you can keep your cake, whichever you choose, but you can not do both. You may be either a great militaristic nation, ready for

any venture of arms that may present itself, or you may be a great free democracy, progressing in the paths of peace and civilization and God love and man love; you may be either, but you can not be both.

Some Senator criticized Mr. Creel the other day for saying that he thanked God that we were not prepared for this war. I would not go as far as he went, but I do say that as long as the American people are the American people, as long as they are devoted to the cause of democracy and of liberty, it is impossible for them during peace times for generation after generation to keep upon a war footing. I repeat, you can eat your cake or you can keep your cake, but you can not do both. If we are going to be a free people, with schools, churches, cathedrals, good roads, railroads, progressive industry, invention, civilization, literature, and everything else, we can be all that; if we wanted to be something else, we could have been Prussians. In the words of Pinafore, we voluntarily decided not to be Prussians; we decided to be "free-born Englishmen" in England, Australia, Canada, New Zealand, South Africa, and in America—men devoted to the cause of Magna Charta, the Bill of Rights, the Declaration of Independence, and the Constitution of the United States.

We could have been Prussians; yes. We could have kept ourselves for three or four or five generations prepared for war; yes. But what if we had done it? We would have been Prussians still, would we not? Without speaking German, we would have been Prussians speaking English, and what is the difference? I would just as soon live in Prussia subject to the Kaiser as to have lived in America during all that time subject to that sort of law.

Here comes a voice out of one of the recent new States—Arizona—coming from the Senator from that State, coming with optimism, coming with a spirit of liberty and freedom and civilization and real culture—not "kultur." The voice is echoed from the Lakes to the Gulf, from the Pacific to the Atlantic, from where the storm beats upon Nantucket and the sterile coast of Maine to where the Mexican Gulf lovingly embraces the sweet sands of Mississippi. Are we going to quit? Are we downhearted? Are we discouraged? In God's name, no. Are we going to make a negotiated peace?

Why, my God, if we did not have better sense than that Russia could have taught us better sense by her recent experience. Are we going to effect some sort of an armistice whereby our enemy may prepare by 10 or 40 more years of Prussian efficiency to meet in war democratic military inefficiency all over the world, so that Germany may attempt once more the scheme of "murdering the world while the world was asleep," as Henry George said? Are we going to do that? In God's name, no!

The Senator from Arizona [Mr. ASHURST] has just handed me this:

America's workmen have a peace message for the workers of Germany, but it is expressed in these fighting phrases from the lips of Mr. Gompers—

I want to stop one minute to pay a tribute to Gompers. I come from a State where there is not very much organized labor. I come from a State where a public servant can not be accused of slavery to organized labor. That is more than a great many people can say. But in these United States, next after the President of the United States, Woodrow Wilson, there is due to Mr. Gompers, the head of associated labor in the United States, the chief credit for harmonizing our national purposes and for unifying our national efforts. Now I will go ahead and read what he says.

Mr. ASHURST. Mr. President, I ask the Senator to read that which I just handed to him.

Mr. WILLIAMS. This is what Mr. Gompers says:

You can't talk peace with us now. Either you smash your autocracy, or by the gods, we will smash it for you.

I am sorry he said "by the gods." I wish he had said "by the eternal God of the Trinity, with Jesus of Nazareth representing justice and generosity and mercy and love."

Mr. Gompers continues:

Before you talk peace terms get back from France, get back from Belgium into Germany, and then we will talk peace.

As I said a moment ago, are we prepared to accept any sort of an armistice which means merely to give an opportunity for preparation to these descendants of the Goths and the Vandals, who are still worshipping Thor and Woden, who have never been Christianized except just to the limit of the thickness of their skins, and concerning whom it may be said that when you scratch blood you scratch the blood of a Goth or a Vandal or of a barbarian of a time antedating Jesus of Nazareth? Are you going to have an armistice to give them time for 30 more years of Prussian efficient military and unscrupulous spy preparation?

Now and then a man says, "Why are not we just as efficient as the Germans?" Efficient for what? We are more efficient than they are for peace and for civilization and for God love and for man love. But if you mean by that, Shall we be equally efficient for the work of slaughter? we must confess that we have not been, and we are not even now. That has been their study. That has been their education. We have been thinking about schools and industry and the rights of man and the liberty of the individual and equal opportunity among men. We have been trying to extend all that, and they have been thinking about the efficiency of man force and munition force to win a war. Does that prove that they are superior to us? It does prove that they are superior in that particular, and they are until yet, and they are proving it upon the battle field of Europe to-day. But shall we quit for that reason, when we stand with the sunlight of God upon our heads, pointing the way toward enlightenment from a present half civilization?

Mr. President, there will be a peace at the end of this war, and it will be a peace dictated by us and accepted by Germany and Austria-Hungary and Turkey and Bulgaria. By the way, one of the curious things about this business is that the Germans have so far camouflaged the world that they have made it imagine that Germany was fighting the world. The most militaristic nation in the world, Turkey, and the next most militaristic nation in the world, Bulgaria, are on the German side, and the direct blood descendants of the Huns who followed Attila, the Hungarians or Magyars, are also upon the German side; and the direct descendants of the Goths and the Visigoths and the Ostrogoths and the Vandals are the Germans themselves.

Germany has not fought the world. Germany, plus all the remarkably militaristically trained nations, has been fighting the peaceful nations of the world, and it is not at all astonishing that we should have been whipped in the beginning. There never has been a better private soldier than the Turk. He believes that when he dies upon the field of battle he goes to paradise. If you or I had any such infernal fool idea, we would die very willingly; at least I would, because I would be glad to know that after this life I would go to paradise. I have had a whole lot of doubt about it.

Mr. President, we will talk peace whenever we dictate peace and Germany and Austria and Turkey and Bulgaria accept it. Then what are we going to do after peace is declared? We are fighting "to make the world safe for democracy," said the President of the United States.

I go further and say that we are fighting to make the world safe for liberty, individual liberty, man liberty, "the rights of man"—"liberty, fraternity, and equality"—in the words of the French revolutionists; words which they merely expressed from a fact that they had seen in America, when we had won our independence. But after we make the world safe for liberty and democracy, and beyond that, for humanity, for justice and mercy and love and God—the Christian God—and if there be no Christian God, then this earth is hell anyhow, and let it go, and let the Prussians have it—then what have we got to do after that is all over with? Why, Mr. President, we have got to fight to make democracy safe for the world. This is a harder task even than winning the war.

After we have made the world safe for democracy we have got to make democracy safe for the world. Is democracy safe for the world now? Oh, look at Russia. Look at the bolsheviks. Look at the I. W. W.'s in America. Look at the Sinn Feiners in Ireland. Look at all of them. You know as well as I do that democracy is not safe for the world now.

How are you going to make it safe for the world? I answer render it, first, intelligent. Make it intelligent. Render it, second, just. Make justice its religion. Fill it, in the third place, with the love of God and of man, and especially of the love of man, because God is away off, and He Himself has told us that if we love our neighbor well we will love Him all right. Then, after you have done that, the world is safe. Even if we whip the unspeakable Turk, and the barbarous Bulgarian, and the inexpressible Hun in Austria, and the direct descendants of the Goths and the Vandals in Germany, we shall have accomplished nothing unless we can make democracy—our cause—safe for the world, safe for humanity, and safe for the cause of God and of Jesus of Nazareth, who taught love of our neighbor.

Mr. President, in concluding I want to say that during this entire session of Congress I have not heard a single thing that pleased me as much as the speech just made by the Senator from Arizona [Mr. ASHURST]. I had no idea of following up his speech except that it inspired me with a few words that I could not help uttering.

Mr. OVERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m., Thursday, April 11, 1918) the Senate adjourned until to-morrow, Friday, April 12, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, April 11, 1918.

The House met at 12 o'clock noon.

Rev. Franklin K. Fretz, pastor St. John's Lutheran Church, Easton, Pa., offered the following prayer:

O God, our heavenly Father, Thou art King of kings and Lord of lords. We come to Thee because we are weak and Thou art strong, we are ignorant and Thou art eternal wisdom, we grope in darkness and Thou dwellest in light unapproachable. We ask Thy divine blessing upon the President and Congress of the United States and all representatives of government. Do Thou bless our Nation. May it ever be "the land of the free and the home of the brave." Let Thy blessing rest upon those who are now receiving a baptism of fire. Strengthen and sustain the dying and comfort the sad. Grant us a speedy victory and Thy peace in our day. May the peace of God, which passeth all understanding, keep our hearts and minds, through Christ Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 383) to punish the destruction or injury of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, had further insisted upon its disagreement to said amendments, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERMAN, Mr. FLETCHER, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3528. An act to suspend for the period of the present war sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes;

S. 2917. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes"; and

S. 3863. An act to provide quarters or commutation thereof to commissioned officers in certain cases.

MAIL SERVICE ABROAD.

Mr. COX. Mr. Speaker, I ask unanimous consent to insert in the Record the answer of the Postmaster General to House resolution 296, which the House passed the other day—the resolution offered by Mr. TREADWAY. It is in response to that resolution. It is addressed to the Speaker of the House.

Mr. DYER. I reserve the right to object, Mr. Speaker.

Mr. TREADWAY. Reserving the right to object, Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. TREADWAY. Why is that not an official document if it is addressed to the Speaker instead of to the gentleman from Indiana?

Mr. COX. It is not addressed to "the gentleman from Indiana." It is addressed to the Speaker of the House.

Mr. TREADWAY. Why then is it not inserted in the Record?

Mr. COX. The gentleman can see it in the Record if the House gives unanimous consent.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Inasmuch as this communication is addressed to the Speaker in response to a resolution passed by the House, I want to ask why it is not laid before the House and read?

The SPEAKER. If it is addressed to the Speaker of the House, it will be laid before the House, but the Chair did not know anything about it. The Chair will state that if he were to lay all the communications that he gets before the House the

House would not have a chance to do anything else but receive them. [Laughter.]

Mr. WALSH. I appreciate that; but the gentleman from Indiana stated that it was in response to the resolution of the House.

The SPEAKER. The Chair has not seen it.

Mr. COX. Mr. Speaker, I ask that it be laid before the House.

Mr. GILLET. How did the gentleman from Indiana get it? [Laughter.]

Mr. COX. I got it in a lawful way. It was not in any way purloined. [Laughter.]

Mr. DYER rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. DYER. I want to inquire if this is the proper way for a reply of the Postmaster General to a resolution of the House to be presented?

The SPEAKER. The Chair is going to present it. Is that what the gentleman wants?

Mr. DYER. I understand that the gentleman from Indiana has asked to have the matter presented.

The SPEAKER. Has the gentleman from Missouri been paying attention to the proceedings?

Mr. DYER. Yes.

The SPEAKER. The Chair announced that he would lay it before the House. What more does the gentleman want?

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Before the matter is laid before the House I desire to ask if the communication is addressed to the Speaker?

Mr. COX. It is.

Mr. WALSH. And if it is, is it an instance of the efficiency of the Post Office Department that it should be presented by the gentleman from Indiana instead of by the Speaker? [Laughter.]

The SPEAKER. The Post Office Department is not responsible for anything that the gentleman from Indiana does. [Laughter.]

Mr. COX. It is rather an anomalous position that gentlemen assume when they ask for information, that they should object to its presentation when it is furnished.

Mr. DALLINGER rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. DALLINGER. How did the gentleman from Indiana happen to have it?

The SPEAKER. The way that came to him was that when it came the clerk gave it to him knowing that he was interested in it.

Mr. FOSTER. The regular order, Mr. Speaker. It seems they do not want it read.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., April 10, 1918.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Replying to House resolution 296:

"Resolved, That the Postmaster General be requested to furnish the House of Representatives, if not incompatible with the public interest, information relative to the amount of mail matter which has been addressed to members of the American Expeditionary Force during the past 30 days of the class which has now been restricted in transportation; also information relative to the amount of mail matter that has been sent to members of the American Expeditionary Force by the Committee on Public Information, how it has been distributed, and whether mail matter of this kind has been restricted in further transportation."

I beg to advise as follows:

The class of mail to the American Expeditionary Force which has now been restricted in transportation is parcel post. This matter was excluded from the mails to the troops in pursuance to an order issued at the request of the War Department, which acted upon the report of a board comprised of representatives of the war-work branches of the American Red Cross, the Young Men's Christian Association, and the Knights of Columbus, and of the War and the Post Office Departments. The amount of this mail during the month of March was 53,617 sacks, weighing 876 tons, and comprising approximately 2,808,903 parcels.

The resolution calls for "information relative to the amount of mail matter that has been sent to members of the American Expeditionary Force by the Committee on Public Information, how it has been distributed, and whether mail matter of this kind has been restricted in further transportation." If matter of the kind herein referred to has been sent, it has been of such relatively small quantity that it has never been called to the attention of the Post Office Department, and no request has been made by the military authorities looking to its restriction. Having no reports in the records of the department of the character of mail matter mentioned in the resolution and in the debate thereon, I caused inquiry to be made and have learned that the only mail matter of this kind sent to soldiers by the Secretary of the Treasury were bulk shipments to Gen. Pershing of copies of his speech delivered before the men of the National Army at Camp Lewis in the State of Washington, giving detailed information on the war-insurance

law and liberty bonds, also some posters calling attention to the second and third issues of the liberty bonds. On this subject, Mr. G. R. Cooksey, Assistant to the Secretary of the Treasury, under date of April 8, 1918, advises as follows:

"Replying to your inquiry over the telephone with regard to documents from the Treasury Department mailed to our soldiers in France, permit me to advise you as follows:

"The only speech of the Secretary's which was mailed to our soldiers abroad was one delivered before the men of the National Army at Camp Lewis, American Lake, Wash., dealing with the war-risk insurance act. In connection with the administration of the war-risk act, the Treasury Department has felt it exceedingly important that every soldier and sailor in our Army and Navy be advised of his rights under the law and every effort has been made to get this information to them. It was essential that they know the benefits conferred by the right to take out insurance and particularly that there was a limitation upon the time within which such insurance could be issued. As one step in a campaign of education in this connection, a conference was held in Washington attended by officers and enlisted men from various cantonments in this country. The law was explained to them and they were eager to obtain every written statement and address on the subject. They were particularly anxious to have the address delivered by the Secretary at Camp Lewis. It was in response to this demand that the Secretary's speech was mailed. In mailing it abroad it was sent in one shipment to Gen. Pershing for distribution.

"In addition to this speech, the only material mailed from the Treasury Department to the Army in France was a supply of liberty-loan posters for the second and third liberty loans. These were mailed to Gen. Pershing in one shipment each several weeks in advance of the loans and were sent for the purpose of showing the men of our Army in France the efforts that were being made at home to sustain them and also as an appeal to Americans abroad to subscribe to the loan.

"Aside from the above, a letter addressed by the Secretary to officers and enlisted men of the Army and Navy, advising them of their rights under the war-risk insurance act (copy inclosed) and an address by Judge Mark explaining the law were sent by the War Department to the Army in France. These did not go by mail, however, but by Army transport."

On inquiry of the Committee on Public Information, I am informed that this committee has never sent its literature to members of the American Expeditionary Force, except 500 copies of the Official Bulletin in bulk to Gen. Pershing for distribution among the officers. This information is given in the following letter from the chairman of the Committee on Public Information:

"Answering your request for 'information relative to the amount of mail matter that has been sent to members of the American Expeditionary Force by the Committee on Public Information,' I beg to state that this committee has never at any time sent its literature to the members of the Expeditionary Force. Numberless individuals and even great patriotic societies have protested continuously against this decision, but even if I did not have the conviction that our soldiers in France are in no need of 'educational work,' there were the vital questions of tonnage and transportation to consider.

"When Mr. TREADWAY stated in the House that he was 'reliably informed that there has been a very large amount of that class of mail matter sent over,' and 'it is a well-known fact that great quantities of that class of matter have been placed in their hands overseas,' he made assertions the absolute baselessness of which could have been ascertained by a telephone inquiry.

"As for our shipments of pamphlets to France as a whole, these have been made upon request to Young Men's Christian Association officials, diplomatic and consular representatives, and certain officers of education, and do not exceed 1,000 in number for the year. Even the material for aeroplane distribution is not shipped from the United States, but is printed in France in cooperation with the French Government.

"At the request of the authorities, 500 copies of the Official Bulletin were sent in bulk to Gen. Pershing for distribution among the officers, but even this has been discontinued to ease the transportation situation."

I take it that the inquiry in the concluding paragraph of the resolution, "whether mail matter of this kind has been restricted in further transportation," has reference to all matter which is sent out by individuals under their franks, or by departments under the penalty privilege, and I have, therefore, directed that an investigation be made of all printed matter going to the troops to ascertain the quantity and character of such matter.

A. S. BURLERSON,
Postmaster General.

Mr. TREADWAY rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. TREADWAY. I rise to a question of personal privilege. I am not certain whether I have a question of personal privilege against any other than a Member of the House regarding a statement I made on the floor, but I certainly have a right to make a statement of personal privilege in the case of an official communication such as Mr. Creel has sent through Mr. Burlerson.

Mr. GARRETT of Tennessee. That is in response to a resolution.

Mr. TREADWAY. He accuses me of making a baseless statement. I did not do anything of the kind.

The SPEAKER. The better way, instead of taking time to puzzle out whether it is a question of personal privilege or not, would be for the gentleman to ask unanimous consent to proceed for three minutes.

Mr. TREADWAY. Then I ask unanimous consent, Mr. Speaker, to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, there have been so many statements made in relation to Mr. Creel, both in this branch and in the other, that I do not wish to add to the gentleman's trials and tribulations; but I would like to read the sentence

to which I object, and which I now move to strike from the Record, if that is proper. I read:

When Mr. TREADWAY stated in the House that he was "reliably informed that there has been a very large amount of that class of mail matter sent over," and "it is a well-known fact that great quantities of that class of matter have been placed in their hands overseas," he made assertions the absolute baselessness of which could have been ascertained by a telephone inquiry.

That statement was not "absolute baselessness," and I challenge Mr. Creel's veracity in so stating.

I can produce evidence here in this House that there has been placed in the hands of the soldiers abroad tons of literature. Whether sent over by Mr. Creel or by the Secretary of the Treasury, I know not; but it is there. I myself read a statement from a soldier, in which the soldier says, "If there is a lack of tonnage to transport boys over here, Mr. Hurley could get a good deal of tonnage space if fewer tons of Secretary McAdoo's speeches were transferred to us. We do not want them."

That is evidence from the front, from a boy in the trenches to-day. And therefore I say that Mr. Creel impugns the motives and the statements of a Member of this House when he uses that language in reference to the statement I made in connection with this investigation. The whole thing is peculiar in that this letter should come from a Member on the floor asking for insertion in the Record. I accept the Speaker's statement in that connection as the reason therefor, but it would seem to me—

Mr. BARNHART rose.

Mr. TREADWAY. I have only three minutes, but I would be glad to yield if the gentleman desires—

Mr. BARNHART. I would like to inquire if the gentleman from Massachusetts has any information as to how this one soldier could know that there were tons and tons of literature coming over?

Mr. TREADWAY. I can satisfy the gentleman in that respect. The matter came to me in confidence, and I would not produce that statement on the floor here, but I can satisfy the gentleman that such a statement has been made by a soldier in a communication. It is a well-known fact that this form of literature is over there. I am not finding fault with its being there. I am finding fault with two things. One fault I have already expressed; the other I am endeavoring to express now. The first is that the Post Office Department has tried to stop, and has stopped, the sending of the necessary comforts to our boys from their home people. To my mind, and I know to any sensible man on this floor, you can not give any reason whatsoever why that restriction should be enforced. The other fault I am finding is with the statement made by Mr. Creel, in saying that a Member of this House has made a statement of absolute baselessness. He knows that we are not that kind of men. I impugn that statement, and I challenge him to prove it, and I move to strike it out of the Record in this document.

Mr. FOSTER. I make a point of order on that.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. COX. I ask unanimous consent—

Mr. GARRETT of Tennessee. I object. I demand the regular order.

Mr. MILLER of Minnesota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER of Minnesota. What is the usual procedure in respect to this communication, now that it has been received by the Speaker and reported to the House and read in the hearing of the House?

The SPEAKER. To refer it to the Post Office Committee.

Mr. GARRETT of Tennessee. To refer it to the Committee on the Post Office and Post Roads and order it printed.

Mr. MILLER of Minnesota. Would a motion be in order that the House decline to receive it?

The SPEAKER. It undoubtedly would. The House once declined to receive one of President Roosevelt's messages.

Mr. MILLER of Minnesota. Then I move that the House decline to receive this communication, and return it to the gentleman who wrote it, with the suggestion that it be changed so as to withdraw the charge made against a Member of the House.

Mr. GARRETT of Tennessee. Mr. Speaker, there was no charge made against a Member of the House. I move to lay that motion on the table.

The SPEAKER. The gentleman from Minnesota moves that the House decline to receive this communication, and send it back to its author, with a certain suggestion, and the gentleman from Tennessee [Mr. GARRETT] moves to table the motion of the gentleman from Minnesota. The question is on the latter motion. The question was taken.

Pending the announcement of the vote, Mr. MILLER of Minnesota. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 165, answered "present" 9, not voting 93, as follows:

YEAS—165.

Alexander	Dixon	Kincheloe	Shouse
Almon	Dominick	Kitchin	Sims
Ashbrook	Doelling	Lazaro	Sisson
Aswell	Doolittle	Lee, Ga.	Slayden
Ayres	Doremus	Leshner	Small
Bankhead	Drane	Lever	Smith, C. B.
Barkley	Eagle	Linthicum	Snook
Barnhart	Estopinal	Littlepage	Stengall
Bell	Evans	Loneragan	Stedman
Beshin	Ferris	Lunn	Steele
Black	Fields	McKeown	Stephens, Miss.
Blackmon	Flood	Maher	Sterling, Pa.
Blanton	Foster	Mansfield	Sullivan
Booher	Gard	Martin	Summers
Brand	Garner	Mays	Tague
Brodbeck	Garrett, Tenn.	Montague	Talbot
Buchanan	Garrett, Tex.	Nichols, S. C.	Taylor Ark.
Burnett	Goodwin, Ark.	Oldfield	Thomas
Byrns, Tenn.	Gordon	Oliver, Ala.	Thompson
Campbell, Pa.	Gray, Ala.	Oliver, N. Y.	Tillman
Candler, Miss.	Gregg	O'Shaunessy	Venable
Cantrill	Griffin	Overmyer	Vinson
Caraway	Hamill	Overstreet	Walker
Carlin	Hamlin	Padgett	Walton
Carter, Okla.	Hardy	Park	Watkins
Church	Harrison, Va.	Pou	Watson, Va.
Clark, Fla.	Hastings	Price	Weaver
Claypool	Hayden	Quin	Webb
Cleary	Helm	Ragsdale	Welling
Connally, Tex.	Helvering	Rainey	Welty
Connelly, Kans.	Hilliard	Raker	Whaley
Cox	Holland	Romjue	White, Ohio
Crisp	Houston	Rouse	Wilson, La.
Crosser	Howard	Rubey	Wilson, Tex.
Dale, N. Y.	Hull, Tenn.	Rucker	Wingo
Delaney	Igoe	Russell	Wise
Dent	Jacoway	Sabath	Wright
Denton	Johnson, Ky.	Sanders, La.	Young, Tex.
Dewalt	Jones, Tex.	Shackleford	The Speaker
Dickinson	Keating	Shallenberger	
Dies	Kehoe	Sherley	
Dill	Kelly, Pa.	Sherwood	

NAYS—165.

Anthony	Fordney	Longworth	Sanders, Ind.
Austin	Francis	Lufkin	Schmitt
Bacharach	Frear	Lundeen	Scott, Mich.
Baer	Freeman	McArthur	Sells
Bland	French	McCormick	Siegel
Bowers	Fuller, Mass.	McFadden	Sinnott
Britten	Garland	McKenzie	Slemp
Browne	Gillett	McKinley	Sloan
Browning	Glynn	McLaughlin, Mich.	Smith, Idaho
Burroughs	Goodall	McLaughlin, Pa.	Smith, Mich.
Butler	Graham, Ill.	Magee	Snell
Caldwell	Gray, N. J.	Mapes	Stafford
Campbell, Kans.	Green, Iowa	Mason	Steenerson
Cannon	Greene, Mass.	Meeker	Sterling, Ill.
Carter, Mass.	Greene, Vt.	Merritt	Stiness
Cary	Griest	Miller, Minn.	Strong
Chandler, Okla.	Hadley	Mondell	Sweet
Clark, Pa.	Hamilton, Mich.	Moore, Pa.	Swift
Cooper, W. Va.	Haskell	Moore, Ind.	Switzer
Cooper, Wis.	Hawley	Morgan	Tilson
Crago	Hayes	Mott	Timberlake
Cramton	Hersey	Mudd	Tinkham
Currie, Mich.	Hull, Iowa	Nelson	Treadway
Dale, Vt.	Humphreys	Nichols, Mich.	Vestal
Dallinger	Husted	Nolan	Voigt
Darrow	Hutchinson	Osborne	Volstead
Davidson	Ireland	Paige	Waldow
Davis	Johnson, Wash.	Parker, N. J.	Walsh
Dempsey	Kahn	Peters	Ward
Denison	Kearns	Platt	Watson
Dillon	Kennedy, Iowa	Pratt	Watson, Pa.
Dyer	Kennedy, R. I.	Purnell	Wheeler
Edmonds	Kiess, Pa.	Ramseyer	White, Me.
Elliott	King	Randall	Williams
Ellsworth	Kinkaid	Rankin	Winslow
Elston	Knutson	Reavis	Woods, Iowa
Emerson	Kraus	Reed	Woodyard
Esch	La Follette	Robbins	Young, N. Dak.
Fairchild, B. L.	Langley	Roberts	Zihlman
Fairfield	Lehbach	Rodenberg	
Farr	Lenroot	Rogers	
Focht	Little	Rowe	

ANSWERED "PRESENT"—9.

Beakes	Gould	Olney	Rayburn
Collier	Lea, Cal.	Phelan	Sears
Good			

NOT VOTING—93.

Anderson	Donovan	Gallagher	Hicks
Borland	Doughton	Gallivan	Hollingsworth
Brumbaugh	Dowell	Gandy	Hood
Byrnes, S. C.	Drukker	Glass	Huddleston
Carew	Dunn	Goodwin, N. C.	James
Chandler, N. Y.	Dupré	Graham, Pa.	Johnson, S. Dak.
Classon	Eagan	Hamilton, N. Y.	Jones, Va.
Coady	Fairchild, G. W.	Harrison, Miss.	Juhl
Cooper, Ohio	Fess	Haugen	Kelley, Mich.
Copley	Fisher	Heaton	Kettner
Costello	Flynn	Heflin	Key, Ohio
Curry, Cal.	Foss	Hefntz	Kreider
Decker	Fuller, Ill.	Hensley	LaGuardia

Larsen	Morin	Rowland	Taylor, Colo.
Lobeck	Neely	Sanders, N. Y.	Temple
London	Norton	Sanford	Templeton
McAndrews	Parker, N. Y.	Saunders, Va.	Towner
McClintic	Polk	Scott, Iowa	Van Dyke
McCulloch	Porter	Scott, Pa.	Vare
McLemore	Powers	Scully	Wilson, Ill.
Madden	Ramsey	Smith, T. F.	Wood, Ind.
Mann	Riordan	Snyder	
Miller, Wash.	Robinson	Stephens, Nebr.	
Moon	Rose	Stevenson	

So the motion to lay the motion of Mr. MILLER of Minnesota on the table was lost.

The Clerk announced the following pairs:

Until further notice:

Mr. SEARS with Mr. DOWELL.
 Mr. BORLAND with Mr. GOOD.
 Mr. PHELAN with Mr. GOULD.
 Mr. COADY with Mr. COOPER of Ohio.
 Mr. GANDY with Mr. NORTON.
 Mr. HENSLEY with Mr. HAMILTON of New York.
 Mr. SCULLY with Mr. PARKER of New York.
 Mr. THOMAS F. SMITH with Mr. CLASSON.
 Mr. GALLAGHER with Mr. POWERS.
 Mr. BRUMBAUGH with Mr. ANDERSON.
 Mr. BYRNES of South Carolina with Mr. CHANDLER of New York.
 Mr. CAREW with Mr. COPLEY.
 Mr. DECKER with Mr. COSTELLO.
 Mr. DONOVAN with Mr. CURRY of California.
 Mr. DOUGHTON with Mr. DUNN.
 Mr. DUPRE with Mr. GEORGE W. FAIRCHILD.
 Mr. EAGAN with Mr. FESS.
 Mr. FISHER with Mr. FOSS.
 Mr. FLYNN with Mr. GRAHAM of Pennsylvania.
 Mr. McANDREWS with Mr. FULLER of Illinois.
 Mr. GALLIVAN with Mr. HEATON.
 Mr. GLASS with Mr. MADDEN.
 Mr. GODWIN of North Carolina with Mr. HOLLINGSWORTH.
 Mr. HEFLIN with Mr. WOOD of Indiana.
 Mr. HENSLEY with Mr. JAMES.
 Mr. HOOD with Mr. HICKS.
 Mr. HUDDLESTON with Mr. JUUL.
 Mr. JONES of Virginia with Mr. KELLEY of Michigan.
 Mr. KETTNER with Mr. KREIDER.
 Mr. KEY of Ohio with Mr. MILLER of Washington.
 Mr. LARSEN with Mr. MORIN.
 Mr. LOBECK with Mr. PORTER.
 Mr. McCLINTIC with Mr. RAMSEY.
 Mr. McLEMORE with Mr. McCULLOCH.
 Mr. MOON with Mr. ROSE.
 Mr. NEELY with Mr. ROWLAND.
 Mr. POLK with Mr. SANDERS of New York.
 Mr. RIORDAN with Mr. SANFORD.
 Mr. ROBINSON with Mr. SCOTT of Pennsylvania.
 Mr. SAUNDERS of Virginia with Mr. WILSON of Illinois.
 Mr. STEPHENS of Nebraska with Mr. TEMPLE.
 Mr. STEVENSON with Mr. TEMPLETON.
 Mr. TAYLOR of Colorado with Mr. TOWNER.
 Mr. VAN DYKE with Mr. VARE.

On this vote:

Mr. HARRISON of Mississippi (for) with Mr. HAUGEN (against).

Mr. GOOD. Mr. Speaker, did the gentleman from Missouri [Mr. BORLAND] vote?

The SPEAKER. He did not.

Mr. GOOD. I voted "no." I am paired with the gentleman from Missouri [Mr. BORLAND], and I withdraw that vote and answer "present."

Mr. WILSON of Illinois. Mr. Speaker, I wish to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name should have been called?

Mr. WILSON of Illinois. I was not.

The SPEAKER. The gentleman can not vote. On this vote the yeas are 166 and the noes are 166, and the Chair votes "aye."

Mr. GILLETT. Mr. Speaker, I ask for a recapitulation of the vote, it is so close.

The SPEAKER. The Clerk will recapitulate the vote.

Mr. RUSSELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. Can a Member who has voted on the roll call change his vote if he desires to do so? My understanding of the rule is that he can.

The SPEAKER. That is the understanding of the Chair.

The Clerk recapitulated the yeas.

Mr. REAVIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REAVIS. If the recapitulation indicates one who has been erroneously recorded, when is the time to call the attention of the Speaker to it?

The SPEAKER. When his name is called.

Mr. REAVIS. May I ask whether my name is recorded in the affirmative?

The SPEAKER. The gentleman is recorded in the negative.
 Mr. REAVIS. When the Clerk read my name, he read it among the ayes.

The SPEAKER. The Chair thinks the gentleman is mistaken.
 Mr. GILLETT. Mr. Speaker, may I ask if the gentleman from Illinois [Mr. GALLAGHER] is recorded as voting "aye"?

The SPEAKER. He is recorded as voting "aye."

Mr. GILLETT. I am told that he is not in the city. Will the Chair inquire if he is present?

The SPEAKER. Does any Member know if the gentleman from Illinois [Mr. GALLAGHER] is in the House?

Mr. KENNEDY of Iowa. Mr. Speaker, I just called his office a moment ago and was informed that he is not in the city.

The SPEAKER. Then, of course, his name should be stricken from the roll.

The Clerk then recapitulated those who voted in the negative.

Mr. ROBBINS. Mr. Speaker, I voted "no" and in the recapitulation my name was not announced.

The SPEAKER. The Chair is informed by the Clerk that he read the gentleman's name.

Mr. MILLER of Minnesota. Mr. Speaker, I would like to inquire if my colleague from Minnesota [Mr. ANDERSON] is recorded? The reason I inquire is that he was here immediately before the roll was called. My recollection is that he voted.

The SPEAKER. The gentleman from Minnesota, Mr. ANDERSON, is not recorded.

Mr. RUBEN. Mr. Speaker, I heard the gentleman's name called on both roll calls, and he did not respond.

The Clerk recapitulated those who answered "present."

Mr. FULLER of Massachusetts. Mr. Speaker, I would like to be recorded as voting "no."

The SPEAKER. How did the gentleman vote?

Mr. FULLER of Massachusetts. I answered "present."

The SPEAKER. The gentleman can not change his vote now.

Mr. STAFFORD. Mr. Speaker, the decisions—

The SPEAKER. The Chair has read the decisions and they are antiquated—made before the new rules were adopted.

[For further explanation of Mr. FULLER's vote see subsequent proceedings.]

Mr. GARRETT of Tennessee. Mr. Speaker, may I inquire how the gentleman from New Jersey, Mr. PARKER, is recorded?

The SPEAKER. In the negative.

Mr. GARRETT of Tennessee. Is the gentleman from New Jersey in the city?

Mr. BROWNING. He was here a few moments ago.

Mr. BUTLER. He sat beside me a minute ago.

Mr. PARKER of New Jersey entered the Hall.

The SPEAKER. On this vote, as corrected, the yeas are 165 and the noes are 165, present 8, and the motion to lay the motion of the gentleman from Minnesota on the table is defeated.

Mr. MILLER of Minnesota. Mr. Speaker—

Mr. GARRETT of Tennessee. Mr. Speaker, I move the previous question on the motion made by the gentleman from Minnesota.

Mr. GILLETT. Mr. Speaker, has not the gentleman from Minnesota the floor?

Mr. MILLER of Minnesota. I was standing here awaiting an opportunity—

The SPEAKER. The Chair saw the gentleman standing, but supposed he was listening.

Mr. MILLER of Minnesota. I was doing that and trying to get the attention of the Speaker.

The SPEAKER. The Chair will recognize the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for one minute.

Mr. MILLER of Minnesota. Reserving the right to object—

The SPEAKER. But the gentleman from Tennessee asks unanimous consent to proceed for one minute.

Mr. GARRETT of Tennessee. This situation is very well understood, and what the motive is behind it.

The SPEAKER. Will the gentleman from Tennessee wait until the Chair puts the request. The gentleman from Tennessee asks unanimous consent to proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, we understand perfectly what is involved here, and we understand the motive that lies behind this proposition. We understand that answer has been given to a resolution that was passed by the House by unanimous consent.

So far as the parliamentary situation is concerned, I want to say, because I desire always to be fair, that if the gentleman desires recognition or demands recognition, in my opinion he is entitled to it. [Applause.]

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. MILLER of Minnesota. Mr. Speaker, I rise to ask unanimous consent to withdraw the motion I previously made, and in its place substitute the following—and I just give this for the information of the Speaker and the House: I move that this communication be referred to a committee of five, to be appointed by the Speaker, for their consideration as to its character, with an appropriate recommendation from them to the House as to its disposition.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to withdraw his motion and to substitute therefor a motion that this communication be referred to a select committee of five, to be selected by the Speaker. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I have no objection to the substitution.

There was no objection.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Minnesota, that the communication be referred to a select committee of five, to be selected by the Speaker.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to lay that motion on the table.

Mr. SHERLEY. And on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 175, answered "present," 2, not voting, 82, as follows:

YEAS—172.

Alexander	Dies	Kehoe	Saunders, Va.
Almon	Dill	Kelly, Pa.	Scully
Ashbrook	Dixon	Kincheloe	Shackelford
Aswell	Dominick	Kitchin	Shallenberger
Ayres	Dooling	Lazaro	Sherley
Bankhead	Doolittle	Lea, Cal.	Sherwood
Barkley	Doremus	Lee, Ga.	Shouse
Barnhart	Doughton	Leshner	Sims
Beakes	Drane	Lever	Sisson
Bell	Dupré	Linthicum	Slayden
Beshlin	Eagle	Littlepage	Small
Black	Evans	Loneragan	Smith, C. B.
Blackmon	Ferris	Lunn	Snook
Blanton	Fields	McKeown	Steagall
Booher	Fisher	Maher	Stedman
Brand	Foster	Mansfield	Steele
Brodbeck	Gard	Martin	Stephens, Miss.
Brumbaugh	Garner	Mays	Sterling, Pa.
Buchanan	Garrett, Tenn.	Montague	Stevenson
Burnett	Garrett, Tex.	Nicholls, S. C.	Sullivan
Byrnes, Tenn.	Goodwin, Ark.	Oldfield	Sumners
Campbell, Pa.	Gordon	Oliver, Ala.	Taylor, Ark.
Candler, Miss.	Gray, Ala.	Oliver, N. Y.	Thomas
Cantrill	Gregg	Olney	Thompson
Caraway	Griffin	Overmyer	Tillman
Carlin	Hamill	Overstreet	Venable
Carter, Okla.	Hamlin	Padgett	Vinson
Church	Hardy	Park	Walker
Clark, Fla.	Harrison, Va.	Phelan	Walton
Claypool	Hastings	Pou	Watkins
Cleary	Hayden	Price	Watson, Va.
Collier	Helm	Quin	Weaver
Connally, Tex.	Helvering	Ragsdale	Webb
Connelly, Kans.	Hilliard	Rainey	Welling
Cox	Holland	Raker	Welty
Crisp	Houston	Rayburn	Whaley
Crosser	Howard	Romjue	White, Ohio
Dale, N. Y.	Hull, Tenn.	Rouse	Wilson, La.
Delaney	Igoe	Rubey	Wilson, Tex.
Dent	Jacaway	Rucker	Wingo
Denton	Johnson, Ky.	Russell	Wise
Dewalt	Jones, Tex.	Sabath	Wright
Dickinson	Keating	Sanders, La.	Young, Tex.

NAYS—175.

Anderson	Chandler, Okla.	Dyer	Garland
Anthony	Clark, Pa.	Edmonds	Gillett
Austin	Classon	Elliott	Glynn
Bacharach	Cooper, W. Va.	Ellsworth	Goodall
Baer	Cooper, Wis.	Elston	Gould
Bland	Crago	Emerson	Graham, Ill.
Bowers	Cramton	Esch	Gray, N. J.
Britten	Currle, Mich.	Fairfield	Green, Iowa
Browne	Curry, Cal.	Farr	Greene, Mass.
Browning	Dale, Vt.	Focht	Greene, Vt.
Burroughs	Dallinger	Fordney	Griest
Butler	Darrow	Francis	Hadley
Caldwell	Davidson	Frear	Hamilton, Mich.
Campbell, Kans.	Davis	Freeman	Haskell
Cannon	Dempsey	French	Haugen
Carter, Mass.	Denison	Fuller, Ill.	Hawley
Cary	Dillon	Fuller, Mass.	Hayes

Hersey	McFadden	Pratt	Stiness
Hull, Iowa	McKenzie	Purnell	Strong
Humphreys	McKinley	Ramseyer	Sweet
Husted	McLaughlin, Mich.	Randall	Swift
Hutchinson	McLaughlin, Pa.	Rankin	Switzer
Ireland	Madden	Reavis	Tilson
Johnson, Wash.	Magee	Reed	Timberlake
Kahn	Mapes	Robbins	Tinkham
Kearns	Mason	Roberts	Treadway
Kelley, Mich.	Meeker	Rodenberg	Vestal
Kennedy, Iowa	Merritt	Rogers	Voigt
Kennedy, R. I.	Miller, Minn.	Rowe	Volstead
Kiess, Pa.	Mondell	Sanders, Ind.	Waldow
King	Moore, Pa.	Sanford	Walsh
Kinkaid	Moore, Ind.	Schall	Ward
Knutson	Morgan	Scott, Mich.	Wason
Kraus	Morin	Sells	Watson, Pa.
La Follette	Mott	Siegel	Wheeler
Langley	Mudd	Sinnott	White, Me.
Lehbach	Nelson	Slemp	Williams
Lenroot	Nichols, Mich.	Sloan	Wilson, Ill.
Little	Noian	Smith, Idaho	Winslow
Longworth	Osborne	Smith, Mich.	Woods, Iowa
Lufkin	Paige	Snell	Woodyard
Lundeen	Parker, N. J.	Stafford	Young, N. Dak.
McArthur	Peters	Steenerson	Zihlman
McCormick	Platt	Sterling, Ill.	

ANSWERED "PRESENT"—2.

Sears	Tague
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NOT VOTING—82.

Borland	Gallagher	Kettner	Ramsey
Byrnes, S. C.	Gallivan	Key, Ohio	Riordan
Carew	Gandy	Kreider	Robinson
Chandler, N. Y.	Glass	LaGuardia	Rose
Coady	Godwin, N. C.	Larsen	Rowland
Cooper, Ohio	Good	Lobeck	Sanders, N. Y.
Copley	Graham, Pa.	London	Scott, Iowa
Costello	Hamilton, N. Y.	McAndrews	Scott, Pa.
Decker	Harrison, Miss.	McClintic	Smith, T. F.
Donovan	Heaton	McCulloch	Snyder
Dowell	Hefflin	McLemore	Stephens, Nebr.
Drukker	Heintz	Mann	Talbott
Dunn	Hensley	Miller, Wash.	Taylor, Colo.
Eagan	Hicks	Moon	Temple
Estopinal	Hollingsworth	Neely	Templeton
Fairchild, B. L.	Hood	Norton	Towner
Fairchild, G. W.	Huddleston	O'Shaunessy	Van Dyke
Fess	James	Parker, N. Y.	Vare
Flood	Johnson, S. Dak.	Polk	Wood, Ind.
Flynn	Jones, Va.	Porter	
Foss	Juul	Powers	

So the motion to lay on the table was rejected.

The Clerk announced following additional pairs:

Until further notice:

Mr. GLASS with Mr. GRAHAM of Pennsylvania.

Mr. TALBOTT with Mr. TEMPLETON.

Mr. FLOOD with Mr. DUNN.

Mr. LARSEN with Mr. LA GUARDIA.

Mr. JONES of Virginia with Mr. JOHNSON of South Dakota.

Mr. McANDREWS with Mr. GEORGE W. FAIRCHILD.

Mr. HARRISON of Mississippi with Mr. SNYDER.

Mr. DONOVAN with Mr. SCOTT of Iowa.

Mr. O'SHAUNESSY with Mr. BENJAMIN L. FAIRCHILD.

Mr. RIORDAN with Mr. FOSS.

Mr. WELLING. Mr. Speaker, I desire to vote "aye."

Mr. GILLET. Well, Mr. Speaker—

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. WELLING. Yes, sir.

The SPEAKER. The gentleman says he was in the Hall listening.

The result of the vote was announced as above recorded.

Mr. MILLER of Minnesota. Mr. Speaker, am I recognized for one hour?

The SPEAKER. Of course, if the gentleman wants an hour.

Mr. MILLER of Minnesota. I ask for recognition in support of the motion.

The SPEAKER. The Chair recognizes the gentleman. The Chair desires to make a suggestion to Members of the House. When a gentleman simply stands up here and stands still, the Chair can not tell what he is up for, even if he sees him; and it is nothing but fair for a gentleman, if he has a motion to make or anything to say, to address the Chair so the Chair can hear. In the next place, the gentleman from Massachusetts [Mr. FULLER] wanted to change his vote from "aye" to "no" a while ago.

Mr. FULLER of Massachusetts. From "present."

The SPEAKER. The Chair thought he was one of those who came in here after the double call was over and asked to be recorded as present. The Chair thinks when a Member votes on a regular roll call "present" for any reason he is doing it because he has got a pair, and if he wants to change his vote he has got a perfect right to do it. Now, the only reason the Chair allows these stragglers who come in after the double roll call even to be recorded "present" is because he has a right to

count them as present. The rule may be very narrow, but that is it.

Mr. ROGERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. How will the name of my colleague [Mr. FULLER of Massachusetts] appear on the recorded vote?

The SPEAKER. It ought to appear the way he wants it. That would not change the result if he did.

Mr. SHERLEY. Mr. Speaker, I hope the Chair will not decide the question of the right of a Member to change his vote, made only after a recapitulation has been had. I submit to the Chair that the proper practice is that while a Member may change his vote at any time up to the announcement—

The SPEAKER. The final announcement.

Mr. SHERLEY. Well, the final announcement; but the final announcement is made when such an announcement has been made as to permit a recapitulation to be in order. Now, the only purpose of the recapitulation is to correct errors, and if it can be made the medium for a change of votes without regard to an error of recording, you are practically opening up by a demand for a recapitulation the entire question, and I submit, aside from this controversy, that the better practice is to hold that after a recapitulation has been demanded it is not in order to change a vote except for error.

Mr. RUSSELL. Mr. Speaker, may I say a word on that point?

The SPEAKER. There is no point before the House.

Mr. RUSSELL. I would like to make this suggestion, with the indulgence of the Speaker and the House. It seems to me that the rule as stated by the Speaker—that is, that changes can be made at any time before the final announcement of the vote—is correct, and its correctness shown by the result to-day for this reason: It was first announced that the motion to lay on the table was carried, and the final announcement after recapitulation was that it was lost; hence the first was not the final announcement of the vote, but the final announcement was made after the recapitulation.

The SPEAKER. No; if it was announced finally that it was carried or lost it was too late then for a change of vote. The practice is extremely narrow. Now, here is what happened, as the Chair recollects it. Of course, the Chair's recollection may not be better than anyone else's: The Chair announced 166 ayes, 166 noes, and the number present, and then he announced he voted himself, and before the Chair announced that motion was lost or carried, whichever it was, the gentleman from Massachusetts [Mr. GILLET] demanded a recapitulation. But now, if he had waited half a minute later a vote could not have been changed on recapitulation. The Chair has no sort of objection to the House itself making a rule on that; but, according to the rule that has been made, the Chair ruled right.

Mr. WEBB. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. WEBB. I ask to take up Senate 383—

The SPEAKER. Not now. The gentleman from Minnesota has the floor.

Mr. WEBB. With his consent, Mr. Speaker, it is a very important matter.

The SPEAKER. If the gentleman is willing—

Mr. MILLER of Minnesota. Mr. Speaker, I am perfectly willing to yield the floor for that purpose, providing I will not lose my right.

The SPEAKER. The Chair will see to it that the gentleman loses no rights.

Mr. DENT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENT. On yesterday the House agreed to take up what is called the quota bill, Senate joint resolution 123, after the reading of the Journal.

The SPEAKER. That is true, but it was to be taken up after the Journal was read and after business on the Speaker's table was disposed of. Well, the first thing that happened this letter from Postmaster General Burleson was on the Speaker's table, technically at least, and that was read to the House and then this parliamentary proceeding and row took place. As soon as we get through with that the Chair will recognize the gentleman.

Mr. FULLER of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. FULLER of Massachusetts. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FULLER of Massachusetts. I would like to inquire how I am recorded on this vote.

The SPEAKER. Recorded as "present," the Chair thinks.

Mr. GARRETT of Tennessee. Mr. Speaker, that is not a parliamentary inquiry; that is past long, long ago, and the gentleman could find out—

The SPEAKER. The gentleman can find out how he is recorded by coming to the Speaker, and we will take up the matter later. Now, the gentleman from North Carolina.

Mr. WEBB. Mr. Speaker, the Senate this morning rejected the conference report on the bill S. 383, known as the sabotage bill. They have sent that bill back to the House and ask for a further conference.

I therefore ask that the House agree to a further conference, but insist on the House amendment to the bill.

The SPEAKER. The Clerk will report the conference report by title.

The Clerk read as follows:

Conference report on the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that the House insist on its amendment to that bill and agree to the conference asked by the Senate. Is there objection?

Mr. LUNN. Mr. Speaker, reserving the right to object, the request is that they go into conference. If we do not go into conference, as this amendment is the only thing involved, does not that give us the status of standing by the original decision?

The SPEAKER. The Chair does not know what the report of the conferees is. The Chair knows what the request of the gentleman from North Carolina is. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. WEBB, Mr. CARLIN and Mr. VOLSTEAD.

MAIL SERVICE ABROAD.

The SPEAKER. The gentleman from Minnesota [Mr. MILLER] is recognized for one hour.

Mr. MILLER of Minnesota. Mr. Speaker, I do not intend to take very much time myself. I desire, however, that the membership of the House understand the motion I have made and my reason for making it. This is a motion to refer the communication from the Postmaster General's office, which has been read in the hearing of the House, to a committee of five men, to be appointed by the Speaker of the House, to determine whether or not certain language contained in that communication is objectionable language to be sent in an official communication to the House of Representatives in response to the passage of a resolution asking for information. And as certain of the Members have come in since the original reading of the communication, I will, with the indulgence of the House, reread that part which has attracted our attention and meets with our objection. It is as follows, and I ask the membership of the House to observe the peculiar phraseology in which the gentleman sees fit so generously to indulge when he is speaking of one of the most reputable Members of the House of Representatives:

When Mr. TREADWAY stated in the House that he was "reliably informed that there has been a very large amount of that class of mail matter sent over," and "it is a well-known fact that great quantities of that class of matter have been placed in their hands overseas," he made assertion the absolute baselessness of which could have been ascertained by a telephone inquiry.

The resolution that asked for a reply, sending information from the Post Office Department to the House, contained no reference whatever to Mr. TREADWAY, no reference to any remarks he had made upon the floor of the House, but was confined absolutely to a request that the Postmaster General furnish the House with certain information in order that the House might be advised so as intelligently to act on a matter pending here. In order that the Postmaster General, apparently, might become equipped with the information desired, he asked the chairman of the Committee on Public Information, Mr. Creel, to inform him what matter, if any, of a certain character mentioned in the resolution was then being sent to France. Mr. Creel writes this letter, and in that he goes out of his way gratuitously to mention a Member of the House and the work he is doing in this House in a manner that is both flippant, disrespectful, and defiant.

Now, I have no criticism whatever of Mr. Creel or anybody else in private conversation speaking of the Members of this House in any way they see fit, but when in response to a resolution passed by the House a public official will go out of his way to mention a Member not necessary to refer to at all and speak of him in a way that is slighting, that is flippant, that is objectionable from every standpoint, I think the language is objectionable, and if the Members of the House have a proper

respect for their dignity and the reputation of the House before the country they will insist that this language be cut out. [Applause on the Republican side.]

There is no reflection whatever upon the Postmaster General or his office in that part of my remarks that I have already presented, and I do not intend to present any contrary to these in that regard. It may be the Postmaster General felt it necessary to send here the full communication as he received it. I can readily see that had he cut out the sentence promptly there would have arisen the inquiry in the House, "What are the words cut out?" and "What right has the Postmaster General to cut certain things out of a communication and send the balance to the House?" And consequently he sends the whole thing.

And, gentlemen of the House, I submit, regardless on which side of the aisle you sit, is not this language such that you in your heart resent it as applied to a Member of this House? The gentleman from Tennessee [Mr. GARRETT] intimated a short time ago that there was some animus back of the motion. I beg to disabuse his mind entirely as to that. There is no animus of any character. There is no partisanship of any character. There is simply a desire on my part and I am sure on the part of the gentlemen who have voted in support of our contention to protect the dignity of the House and preserve us from these insinuating remarks, these belittling observations, that characterize this epistle.

Just observe that it is not alone the language that is used, but it is the setting around the language. "What right has the Member of Congress from Massachusetts to stand on the floor and criticize me or my work?" is apparent in every word that he uses. It is precisely a defiance toward the legislative branch of the Government for presuming in any regard to criticize the activities of a bureau of the Government. He says, "He made assertions the absolute baselessness of which could have been ascertained by a telephone inquiry." I would not use that language toward anyone on this earth for whom I had an atom of respect, or toward anyone on this earth from whom ever again I expected an atom of respect. If language could be found in the English tongue calculated to convey a biting, stinging, belittling rebuke to Congress and its membership, it is this. I believe this vote we are about to take will, in a measure, express our opinion as to whether the House, as a part of the Congress, deems itself a body of sufficient dignity, sufficient honor and respectability, to be immune from an insulting communication like this, which comes from a subordinate individual in a bureau capacity. And that is all there is to it.

So I ask gentlemen on both sides of the aisle not to confuse the issue or the motion, but to express their opinion as to whether this language is fit officially to be transmitted to the House of Representatives. The motion I have made is the usual and ordinary one, and I hope it will be passed unanimously without a roll call. The Speaker of the House will appoint the committee, and the majority of them will doubtless be members of the Democratic Party. We do not care for that. The Members on the Democratic side of the House must be, and I know they are, as jealous of the reputation and the dignity and the prerogatives of this House as the Members of any party that ever sat in it, and I call upon you to-day to manifest that spirit which I feel confident you possess. [Applause.]

I now yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The SPEAKER. The gentleman from Ohio is recognized for five minutes.

Mr. MILLER of Minnesota. I reserve the balance of my time, Mr. Speaker.

Mr. LONGWORTH. Mr. Speaker, on the day before yesterday shortly after I had concluded a few remarks conveying an expression of my opinion, couched in very temperate language, of a speech made the day before by a gentleman who has again become the subject of discussion here, Mr. Creel, the gentleman from Illinois [Mr. RAINEY], whom I see in the Chamber, rose in the defense of Mr. Creel, and he made the best he could out of a rotten case, I will say. [Laughter.] His first sentence was as follows:

Mr. Speaker, I regret the fact that on a serious occasion like the present, when bills are being considered which have for their object the creation of efficient armies, the observing of our treaties, the execution in the future of our undertakings, of our contracts with other nations, that a Member of this House—

Meaning myself—

finds it necessary to indulge for partisan purposes in a criticism of an official of this administration.

Now, Mr. Speaker, I am well aware that if any Member of my party, either here or elsewhere, undertakes the slightest criticism of any action of any official of this administration he is invariably accused of doing it for partisan purposes. Mr.

Speaker, if my criticism of Mr. Creel involved Republican partisanship, then the criticism of him by the New York Times this morning also involves Republican partisanship. And yet as every man here is well aware, the New York Times is perhaps the leading Democratic newspaper of this country; and if not, it is at least the most prominent supporter of all the policies of the present administration. I send to the Clerk's desk and ask to have read an editorial appearing in this morning's New York Times, headed "Mr. Creel."

The SPEAKER. Without objection, the Clerk will read it.

The Clerk read as follows:

MR. CREEL.

Actual or inferential responsibility for the doings and utterances of Mr. George Creel can not any longer, consistently with the public welfare and comfort, be borne by the administration. It is the general impression that when he speaks he speaks for the President, an impression he has not very energetically sought to dispel. His declaration that he should be proud to his dying day "that there was no rush of preparation in this country prior to the day the President went before Congress" could not have been made at a more inopportune time; but that is not the worst of it. It is an avowal never to be made by anybody at any time. It has aroused public indignation to a degree which is only faintly reflected by the denunciation directed against it in Congress.

The usefulness of the Bureau of Public Information has never been satisfactorily demonstrated, but the demonstration that, if the bureau is to be continued, it should have a new head is complete and conclusive.

[Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. Will the gentleman give me about three minutes?

Mr. MILLER of Minnesota. I yield three minutes to the gentleman.

The SPEAKER. The gentleman is recognized for three minutes more.

Mr. LONGWORTH. Is any gentleman going to rise and say that that is a Republican partisan statement?

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. AYRES. Are you serious in the statement you make that it is a Democratic newspaper?

Mr. LONGWORTH. Why, certainly. Does the gentleman deny it?

Mr. AYRES. Why, certainly. [Laughter.]

Mr. LONGWORTH. I might respond by asking the gentleman by what authority he speaks on that subject, but I am not interested, because it is so patently absurd. [Applause.]

Mr. Speaker, the New York Times says precisely what I did, that if this administration does not believe as Mr. Creel says he does, that it is a matter of boast that this country went into this war inadequately prepared, and that it intends to see to it that after the war is over we are to be at once reduced to a condition of impotence to enforce an enduring and just peace, then Mr. Creel must resign, or he must be removed at once. I said that yesterday. It is repeated to-day in exact phraseology, nearly, by the New York Times.

My great hope, Mr. Speaker, is that when this motion of the gentleman from Minnesota [Mr. MILLER] shall pass, and a committee will find that that language is insulting to a Member of the House and inimical to the privileges of this House, that of the Bureau of Public Information, to which this matter will be rereferred, its present chairman, Mr. Creel, will no longer be a member. [Applause.]

Mr. Speaker, if I have any apologies to make to this House or to anybody for the opinion that I enunciated about this man who the day before yesterday insulted the patriotism of the American people and to-day insults the American Congress, it is that my language was far too temperate. [Applause.]

The SPEAKER. The question is—

Mr. HARDY rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. HARDY. To reply to the last remarks.

The SPEAKER. The gentleman from Minnesota [Mr. MILLER] has the floor for an hour.

Mr. HARDY. I would like to ask for five minutes if there is nobody representing this side.

Mr. MILLER of Minnesota. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. HARDY. Mr. Speaker, I am not completely familiar with the entire course and argument of the gentleman from Ohio, who poses before us as a nonpartisan advocate of great policies of the Government, but I want to say just this much about the Creel speech to which he took exception the other day and to which he repeats his exception to-day. The substance of it was

that Mr. Creel, in a speech before the conference of American lecturers here in Washington presented with great force the efforts that the United States had been making to meet her enemy since we entered into the war, so much so that the papers say he received round after round of applause from the delegates. The opening sentence of that speech as given declared that he was proud of the fact that before we entered into the war we had been inadequately prepared for war. That was the sentence the gentleman seized on. He did not read what else he said. Mr. Creel continued: "Because," he said, "that demonstrated the sincerity of our profession that this great Nation was a Nation devoted to peace."

And then he showed the magnificent conduct of our people since we entered the war.

He may have been unfortunate in the first words he used, in that he gave a handle to men for political purposes to attack him. But the man that is not proud of the fact that when this war began America was not ready and armed as Germany was must be ashamed of the record of the Republican Party and the Democratic Party, which for all these years left this country in that condition. We boasted that our justice and humanity to all men and all nations was our shield and buckler of defense; that we were opposed to great standing armies in time of peace. We boasted we were a Nation devoted to peace. We boasted we were a Nation opposed to great preparation for aggressive warfare, and the man who simply refers to that fact and says he was proud that our life was consistent as a Nation has not insulted the American people. [Applause.] It is, indeed, strange that the great audience who heard the whole speech gave it rounds of applause if it was the craven and traitorous speech the gentleman would have you believe it was, by reading a single sentence, and the man who now uses that expression as a weapon with which to attack Mr. Creel or the party of which Mr. Creel is an humble representative and separates it from the context of the whole speech in order to do so is going out of his way to make political capital in a small way and to challenge an expression which would have found utterance in many a throat before we became involved in this war, and which was consonant with the life of the Nation up to the time we became involved in it. It seems to me that these little, petty, partisan flings are in line with other utterances that I have heard the gentleman from Ohio in the last three weeks indulge in, which have been full of party flings. He is always prating of his non-partisanship and patriotism, of his moderation, and support of the administration, yet he lets no opportunity pass to attack every measure and every man of the administration where attack might seem to give some party advantage. He seized onto this just one sentence out of a whole speech as a sweet morsel of political claptrap to roll under his tongue. Not content with the discussion of the issues that come before us, every occasion that can give a pretext for criticism brings him to his feet. He talks about temperateness. I have seen him with flashing eye and with quivering cheek indulging in the same practice heretofore, so that I gaze on him with amazement and wonder why! [Applause.]

Mr. MILLER of Minnesota. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY]. [Applause.]

Mr. TREADWAY. Mr. Speaker, I regret extremely that I was the originator of a matter which has occupied the time of the House for over two hours, when there is extremely important business pending. I introduced a resolution of inquiry which waited one week for action by the Post Office Committee, and no response was received to it. Under the rules of the House, at the expiration of the week, the resolution was called up and adopted. I made no personal references. That goes without saying. A Member could not make any personal references in such a resolution as that; and my object in asking for information on the subject covered was as sincere a motive as ever influenced a Member of this House in any action he might take. A day or two previously the announcement was made that parcels to soldiers overseas, sent by their friends and relatives, could no longer be received by the Post Office Department for transmission to them unless perchance the individual soldier to whom the package was going, sent from overseas, approved by his commanding officer, a request for the contents of that package, and that that individual approval was included in the package when offered for mailing.

Now, Mr. Speaker, coupled with the request for information as to the quantity being so transported was a further request for information as to the amount of matter being sent by the Committee on Public Information, the so-called Creel Bureau. I think in that connection I might say that it was a matter of very little interest to me as to what quantity might be going, or whether there was any going at all or not. But I did receive

reliable information, which I can submit at any time, that such literature was being sent over. Now, I submit to this House, which is of the more interest to the boys in the trenches, to receive these little home packages, from mother, sister, wife, or sweetheart, or a speech by such a great man as we recognize the Secretary of the Treasury to be? My interest in the resolution that I offered was to find out whether that class of literature was still being sent across, and the package from home to the soldier boy was being refused.

In connection with the adoption of the resolution I made some remarks on this floor, and Mr. Creel has seen fit to reply to those remarks in the letter submitted by the Postmaster General, in such a way that I feel I am justified in asking this House to adopt the motion of the gentleman from Minnesota [Mr. MILLER]. I do not need to offer any more explanation than he has so well offered. I have no personal grievance with Mr. Creel. I never saw the man in my life. I have a little enmity to him now, and any other man would have when he dignifies his position in a letter of absolute insult to a Member of this House for remarks made by the Member on the floor of this House in his right and says that the statement the Member makes is founded on "absolute baselessness." I have heard men called liars in various phrases, but I would much prefer that a man would come right outside the door here and call me a liar to my face now [applause] than write such an insinuating letter as that and submit it through such an instrumentality as a communication from the Postmaster General.

The gentleman from Ohio [Mr. LONGWORTH] says the remark of Mr. Creel was insulting, and I feel that it was insulting. Further, Mr. Creel questions a statement in my right as a Member of this House when he so characterizes my remarks. I leave the House to its own decision as to whether or not a public official, in answering a resolution of inquiry adopted by this House, can take that means of offering a personal insult to a Member of this House. I myself am now no longer concerned in this matter. It seems to me it is up to the House itself to say whether it cares to have a public official use his prerogative of letter writing to the extent of submitting an official response to a resolution adopted by the House, asking for information purely and nothing else, and including in his reply a personal insult for such remarks as the Member introducing it had the right to make on the floor. Mr. Creel quotes the statement that I say I had been reliably informed that there had been a large amount of that class of mail matter sent over. It is absolutely true. I have been so informed.

Mr. BUTLER. May I ask the gentleman a question?

Mr. TREADWAY. Yes.

Mr. BUTLER. Is that the only thing to which the letter is directed?

Mr. TREADWAY. And then he goes still further. I have not the exact phraseology. I do not know exactly the words, but I take it for granted that he is correct in saying it is a well-known fact that great quantities of that class of matter have been placed in their hands overseas, practically confirming the same language. That is the extent of his quotation, which Mr. Creel says is "absolute baselessness." And, further than that, Mr. Speaker, he says I could have found out that it was absolutely baseless by a telephone inquiry. May I ask this House, when have we reached the point when a Member of Congress in order to secure information is under obligation to the subordinates of a department to call them on the telephone? Of course, if I had called for Mr. Creel I would have been shifted a dozen times, in the various offices down there, through a line of clerks, and I would have been blamed lucky if I could have reached Mr. Creel at all; because I see that just now he is devoting a good deal of his time and attention to going up in aeroplanes. He had one ride here the other day, and I saw that he got a little hurt over in Baltimore repeating it. So that it would have been a little difficult, probably, about the time this resolution was up, to have found Mr. Creel, to get him to answer the inquiry that I wanted to make. I was within my rights in asking for the information referred to in the resolution. I am still within my rights in confirming that statement, and I am still further within my rights when I say that a subordinate of a department of the Government has no right to offer a personal insult, and to question the veracity of a Member of this House for such statements as he makes on the floor of this House.

Mr. HARDY. Will the gentleman yield for a question?

Mr. TREADWAY. My time has expired.

Mr. MILLER of Minnesota. I yield two minutes to the gentleman from Massachusetts [Mr. GILLET]. [Applause.]

Mr. GILLET. Mr. Speaker, I simply wish to state that I am surprised at the attitude taken by most of the gentlemen on that side of the Chamber. This day was set apart for very

important business. Then this matter came up suddenly. The gentleman from Minnesota [Mr. MILLER] made his motion. A motion was made to lay that on the table and it was defeated, and then the gentleman from Minnesota changed his original motion—the objection to which on that side perhaps I could understand—and said that he simply wished to have the matter referred to a committee, and to have the matter investigated and reported upon. Why gentlemen upon that side of the House should with such unanimity have refused to allow a committee to be appointed by their own Speaker, whose impartiality is trusted by both sides of the House, which is all we asked, to investigate this matter and to report upon it, and why they should wish to take up two hours and a half in opposing that is beyond my comprehension. It seems to me that that was a most fair and moderate proposition. Some gentlemen on this side of the House thought it was unduly moderate and leaned backward—

Mr. HARDY. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. HARDY. Does the gentleman see any fact in controversy; any question to be investigated?

Mr. GILLETT. Certainly; it is in controversy whether that was a proper statement or not.

Mr. HARDY. That is a question of opinion and not of fact.

Mr. GILLETT. It is a question on which the gentleman from Minnesota very temperately and wisely said, "I will not ask the House to pass sudden judgment on that; I will give it time to get a report from the committee."

Mr. HARDY. Then the motion should have been postponed, it seems to me, to a future day and let us think about it.

Mr. GILLETT. If you want to think whether you will let the committee think about it, I do not think we will let it be done. [Laughter.]

Mr. MILLER of Minnesota. Mr. Speaker, I move the previous question on my motion and all amendments thereto.

The SPEAKER. The gentleman from Minnesota moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion offered by the gentleman from Minnesota to appoint a committee of five.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair will appoint as the committee Mr. CARAWAY, Mr. HUMPHREYS, Mr. BOOHER, Mr. MCKINLEY, and Mr. MADDEN, and the document from the Postmaster General is temporarily referred to this committee of five.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8753. An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS.

Mr. FIELDS. Mr. Speaker, in the absence of the gentleman from Alabama [Mr. DENT], I desire to call up Senate joint resolution 123.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Resolved, etc. That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes except those exempt from draft under the provisions of said act, in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act, or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however classified or wherever residing.

Mr. FIELDS. Mr. Speaker, I understand that there are four hours of general debate on this resolution. I ask unanimous consent that one-half of that time be controlled by the gentleman from Nebraska [Mr. SHALLENBERGER] and the other half by myself.

Mr. GILLETT. Reserving the right to object, has that been agreed to by the ranking minority member, the gentleman from California [Mr. KAHN]?

Mr. FIELDS. That has been agreed to by the ranking minority member.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that one-half of the time be controlled by the gentleman from Nebraska [Mr. SHALLENBERGER] and one-half by himself. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. Mr. Speaker, this joint resolution, S. J. Res. No. 123, provides that no provision of the act of May 18, 1917 (known as the selective-service act), shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes except those exempt from draft under the provisions of said act, in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act, or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however classified or wherever residing.

I will state in the outset, Mr. Speaker, that under the selective-service act of May 18, 1917, or the regulations prescribed by the President in pursuance of said act, each registrant was given an order number, and the right of the President or the military authorities to defer the call of a registrant when his name is reached, who is not otherwise entitled to statutory exemption, is seriously questioned by high legal authority, and if it be true that the call of registrants can not be legally deferred when their order number is reached it will be impossible for the War Department to carry into execution its latest plan of classification under the questionnaire system, under which registrants having dependents are given deferred classification, or to defer the call of registrants in class 1 who are assiduously engaged in planting, cultivating, or harvesting crops, which the President desires to do. From my viewpoint the dictates of humanity demand that the call of registrants who have wives and children or other dependent relatives be deferred so long as there are available registrants who are unattached and who have no dependents, and the growing scarcity of food products, the supply of which depends upon farm labor makes it of national and international importance to conserve farm labor. Therefore, if there was no other points of merit in the bill, these two points are of such importance as to not only warrant, but to demand its speedy enactment into law. But there are other important features in the bill worthy of your consideration, one of which is to cure an inconsistency in the selective-service law. The law as enacted places the burden of military service upon the citizen population but provides that the whole population shall be used in ascertaining the quota of the various States and subdivisions thereof. The department, of course, took the latest census—1910—as a basis on which to ascertain the total population, and in administering the law in the first call under the selective draft it was found that that method placed great hardships upon many sections of the country for various reasons. First, local conditions have changed since 1910. There has been a great influx of population into some centers, and other sections of the country did not have as much population in 1917 as they had in 1910. Therefore, estimating it upon the 1910 census, or taking for the basis of its estimate the 1910 census, must necessarily result in inequalities.

There is another feature that enters into it. In the cities and some sections of the country we have a large foreign population. That foreign population is not subject to the draft, but it was used in ascertaining the quota from those communities. In those instances the people suffered. That hardship, however, has been or is being largely obviated by our recent treaties with our cobelligerents. So, in order to get away from these inequities, the passage of this resolution is deemed advisable by the War Department.

In the administration of the draft law, under the first draft there were, if I remember correctly, two classes of registrants—the exempt and the nonexempt. Discretion was lodged largely in the local board as to who should be exempt and who should not, and we see in the administration of the law by these boards most glaring differences in classification, even in contiguous territories. In many sections some local board failed or refused to grant any claim for exemption, while others would go as high as 40 or 50 per cent, and in one case 74 per cent. So, in order to get away from that condition the War Department worked out a new classification, classifying the registrants into five classes, beginning with class 1 under what is known as the questionnaire system, which is considered by all who are familiar with

the subject to be an improvement over the first system of classification.

Now, of course there will be some inequities between local boards in the classification under this new system. It would be impossible to work out a classification system for a great country of 100,000,000 people that would apply exactly alike to each and every community. But the figures from the War Department show that the inequalities are far less under the new classification than under the method used in the call of the first increment under the selective draft. And the War Department has said that the passage of this resolution is absolutely necessary to carry out the new classification to which I have referred. Then there is another proposition embodied in this resolution, and it is the one that appeals to me most.

The resolution authorizes the President to call any part or all of any one of the classes. The purpose of that is to authorize the President to lay the burdens of military service upon the men in class 1 first. There seems to be a difference of opinion among members of the committee as to the intention of Congress when we passed the selective-service law. Members of the minority who have joined in the minority report, or some of them, are of the opinion that a man's liability to service should be determined solely and exclusively by the number that he drew in the drawing, and I agree that it should be, so far as it applies to the class to which he belongs, but I was of the opinion, and I am of the opinion now, that it is better for all concerned that the men who have the least responsibilities at home, the men who have no dependents, the men who are not so vital in the industrial and social life of the country, to first answer their country's call. In other words, I believe that it is better, and I believe it is right and proper, to call a single man who has no wife and children before you call the man who has a wife and children or other dependent relatives. That was my idea when we were enacting the selective-service law. If this resolution is adopted as reported by the committee, it gives the President authority to exhaust all of class 1 in all sections of the country before he invades the other class in any part of the country. I know that there is some argument on the other side of this proposition, but our arguments rest upon our viewpoints. If we hold local interests above national interests, of course the argument that this arrangement is unjust might hold good in some localities, but if we hold that this is the war of the Nation and that the best interest of the Nation should be paramount in the mind of every man, we must concede that that method is the best that will least injure or disturb the citizenship of the Nation and place the least hardship upon the dependent women and children.

Other Members of the House may judge as they like, but it is my opinion that we will least disturb even local conditions by calling into the service men in class 1, so long as that class exists throughout the country, rather than invade the other classes in some sections, thereby taking fathers from their children, husbands from their wives, or sons from their dependent parents. There will be an amendment offered by the gentleman from Nebraska [Mr. SHALLENBERGER], and inasmuch as there is a great demand for time and I may not have an opportunity to speak later on I desire to refer to that amendment now. It is an amendment to base the apportionment upon the total registered population. If I understand that proposition, when a community furnishes all of the registrants that it has in class 1, but has not filled its quota, it must then draw from the other classes, hereby invading the class that has dependents. To that part of the amendment I am absolutely opposed.

Mr. BRITTEN. May I ask the gentleman if that is a committee amendment that the gentleman is speaking of?

Mr. FIELDS. The amendment was not offered or discussed in the committee. It has been prepared by the gentleman from Nebraska [Mr. SHALLENBERGER] since the bill was reported. It will be offered as an amendment on the floor. I hope that no amendment will be adopted which will make it possible in the future administration of this law to call into the military service men who have wives and children or dependent parents to support while there are other available men in the country who have no dependents, regardless of where they may be located. This war is not a sectional question; it is the biggest problem that this country has ever faced, and it is the Nation's problem, and I hope that every man here and elsewhere will view it from a national viewpoint. There will be another amendment offered, that will provide that credit shall be given for the numbers that have volunteered in the service from time to time. Credits have already been given for those who have previously volunteered, and as there is but little volunteering at this time it will mean but little either way whether that

amendment is adopted or defeated. I am somewhat like the new squire on that proposition—there is a good argument on both sides; but one is evidently better than the other.

If a local community contends that it should have credit for the men who shall volunteer from that community, I see no reason why it should not, unless the calculations necessary to ascertain the credits due it would impede the progress of the draft when the call shall come; but if that should occur, or if it is the belief of the War Department that it will occur, shall we impede the progress of the War Department by forcing it to delay the call sufficient time to figure out and properly place the credits due each community at a time like this when our country is facing the greatest crisis in its history; and, Mr. Speaker, there is another thought worthy of consideration, which is, for what purpose did those volunteers give their service to the country? Did they volunteer for the benefit of the country or did they volunteer for the benefit of other registrants whose call would be deferred because of their voluntary enlistment? I maintain that every man who volunteered into the military service of his country volunteered not for the benefit of his neighbor registrant, but for the benefit of his country, for the preservation of the Stars and Stripes. [Applause.] So I say if crediting these voluntary enlistments will impede the progress of the draft and the prosecution of the war, then the country for whom these men volunteered should be given the benefit of their voluntary enlistment. As I have previously said, credits have already been given for those who have previously volunteered. That question was raised in committee by the gentleman from Wisconsin [Mr. DAVIDSON] by a question propounded by him to Gen. Crowder. Mr. DAVIDSON said:

To illustrate: My home city was very greatly interested in the National Guard and sent out very full companies—there were three companies from my home city. The result was that in the first draft not a single man was drafted, and the boys writing to me report that there are enough volunteers to fill the next draft. If enough boys volunteered from my home city—the city of Oshkosh—to not only fill the first draft but to fill their quota in the second draft, how can I explain to them that in addition to that they are going to draft men from that city?

Gen. CROWDER. I have tried to cover that situation before. The officer who has done a large amount of the figuring on the quotas is here, and I am going to ask you to let him have a try at it in new language.

Mr. DAVIDSON. I want to understand it myself. I believe there is much merit in your plan.

Col. JOHNSON. Let us suppose that Oshkosh started out with 100 men liable to military service. Fifty of them volunteered in National Guard or Regular Army, and now we come in with the new rule. Oshkosh, instead of having 100 men in class 1, only has 50. The new quota for Oshkosh will be based on 50 instead of 100, and thus Oshkosh automatically gets credit for all the men of Oshkosh who volunteered with the National Guard and Regular Army.

There is another thought in connection with giving credit for voluntary enlistments that we might well consider. I am told that in some sections of the country practically all men who are in sympathy with the war movement have volunteered. I do not know whether that is correct or not. That is a pretty broad statement, and I do not attempt to vouch for its accuracy, but I was told a few days ago by a Member of this House that he had been in a section of the country where that condition exists. If that be true, and we give credit for voluntary enlistments, this is what will happen in sections like that: These men who have not volunteered and who are charged with not being in sympathy with this war movement will remain at home largely because of the fact that their neighbors have volunteered for service.

Mr. REAVIS. Mr. Speaker, will the gentleman yield? What sort of a soldier does the gentleman believe these disloyal men would make?

Mr. FIELDS. I did not say they were disloyal.

Mr. REAVIS. What sort of a soldier does the gentleman think a man who is not in sympathy with the purposes of his country would make?

Mr. FIELDS. I think a man who is in sympathy with the purposes of his country would be a better soldier than the man who is not.

Mr. REAVIS. Would it not be a good idea to give these fellows some employment and keep them out of the Army?

Mr. FIELDS. The gentleman is getting back to the volunteer proposition, which is past, and I do not care to open up that discussion. Mr. Speaker, there is one more provision in the bill—

Mr. HAMLIN. Will the gentleman yield for a question right there?

Mr. FIELDS. Let me finish this statement. The last provision of the bill provides for the calling of men who have been given deferred classification, in class 2, as skilled workmen regardless of their classification or location. The Military Establishment may from time to time be in great need of skilled mechanics, and this provision of the resolution makes it pos-

sible for it to call these men regardless of their classification or their location. I think that a very valuable feature of the resolution. I now yield to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. The gentleman is quite familiar, I know, with the provisions of this resolution, and I am asking the question for information purely. My understanding is that if this resolution prevails the first call to be responded to will be those of class 1.

Mr. FIELDS. Exactly.

Mr. HAMLIN. Suppose there is to be a million men raised on the first call. Will that million of men be apportioned among the different States in class 1 according to the number of men in those different States in class 1? That is the way I understand it.

Mr. FIELDS. They will.

Mr. HAMLIN. Now, this question: This classification is submitted by different boards in the different States, and there are no hard and fast rules by which this classification should be made by those boards. Does the gentleman concede that this thing might happen, that a board in one State or one section of a State might put very few men, in proportion to the population of that State, in class 1, and if the call comes exclusively to class 1 and it is taken according to the population in class 1, without regard to the population of the State, the gentleman's State, for instance, might have to give three times as many men to that first call as my State would, because the boards in my State might classify very few in No. 1? Does the gentleman anticipate some unfairness in that?

Mr. FIELDS. I am glad the gentleman raised that question. There is no hard and fast rule under which the classification is made, but there is a general rule laid down by the War Department, and the classifications, the records show, are much more uniform under the new classification than under the classification of the first draft. In fact, the range of variation of percentage between the classifications by the different boards is not nearly so wide under the new classification as under the old. As I stated in the start, of course, there will be some instances where there will be differences. I know of no way, owing to the different conditions that exist, or no rule that could be worked out that would cause men of the local boards to act in the same mind and under exactly the same decision in all cases; in fact, so long as there are men of different capacities there will be men of different opinions, even in matters of fact; but, speaking broadly, the figures show that the range of inequality is not nearly so wide under the new classification as under the old.

Mr. LANGLEY. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. LANGLEY. The gentleman has passed from the point I wanted to recur to, but the gentleman stated a moment ago in regard to the question whether the men who were really anxious to help in this war have enlisted voluntarily and several gentlemen got the impression that the gentleman was in doubt on that question. I do not think there is any doubt so far as our own State is concerned because I know of thousands who are ready and waiting to be called to the colors whenever the country needs them.

Mr. FIELDS. I should regret—

Mr. LANGLEY. I do not think the gentleman meant that.

Mr. FIELDS (continuing). If I was so understood. That was not what I meant to say at all, but what I meant to say was that every man who has volunteered was willing, but some are not, speaking of one section of the country—I shall not name the section, for the information given to me may not be correct—but a Member of the House has said that that condition exists in one section that he visited recently. If it does, I suppose, of course, that it is only a small section of the country, and the great mass of the registrants who are waiting to be called throughout the country are just as anxious to get in as the men who have volunteered.

Mr. LANGLEY. They are merely waiting until the country calls them to go. Let me suggest to my friend, the gentleman may be too modest to call attention to the fact that the gentleman is one who represents a district one county of which, Breathitt, at least, had more volunteers than the entire quota.

Mr. FIELDS. Fifty-two more volunteers than the quota, is my recollection.

Mr. CRISP. Will the gentleman yield?

Mr. FIELDS. I do.

Mr. CRISP. I would like to get a little information. The call has gone out for the raising or inducting into the service of 150,000 men under a call for a second draft army. I noticed in the Official Bulletin, and have also seen it stated in the press that the number that my State—Georgia—should furnish under

that call is about 6,300. I also noticed that the State of New York, with a great many times the number of population of Georgia, the great city of New York, having probably twice the population of the entire State of Georgia, is to furnish under this call only 10,000 and some odd hundreds. I would like to know on what basis or plan the quotas are called, under the old plan, or is it under the idea that this bill is to be enacted into law and the call based on the number of class 1?

Mr. FIELDS. I think it is fair to assume that the War Department is not calling men under the provisions of this bill on the assumption that it is going to pass. I am not familiar with the particular case that the gentleman cites and would therefore not attempt to explain it.

Mr. CRISP. The gentleman, then, can not give me any information as to why that great disparity in the number?

Mr. FIELDS. With regard to that particular case, no; and not being familiar with it, it would not be fair to the War Department for me to attempt to answer it.

Mr. CRISP. The State had furnished its entire quota under the first call. This is under the second call. And their quota is about 6,300. And I notice that Indiana and other States with a population about as great have to furnish only three or four thousand men. I would like to know the basis for that.

Mr. FIELDS. I will say to the gentleman that these are only the remaining numbers of the first call, who have not until recently been summoned to camp. The second general call has not yet been made.

Mr. SUMNERS. Mr. Speaker, supplementing the question of the gentleman from Missouri [Mr. HAMLIN], as I understand it, the scheme to raise this army is based very largely upon the idea of local responsibility and local control. Now, does not the gentleman anticipate that unless you change your machinery for raising this army you will remove from the several communities a strong incentive from everybody outside of class 1 in seeing that nobody that ought to be in class 1 escapes the responsibility which is incident to the position in class 1.

Mr. FIELDS. I will say to the gentleman I do not know where this removes the local machinery in any way. The local boards will continue to exist, and they will still classify the registrants.

Mr. SUMNERS. Directing attention to the inquiry of the gentleman from Missouri, if you provide that these men are to be taken from all over the country, then in any community its local board can prevent its citizenship from getting into class 1—shields that community from its responsibility of helping to contribute this army.

Mr. FIELDS. I am glad the gentleman raised that question. There are some cases of that kind throughout the country; but the War Department carefully scans the figures, and in every case where upon the face of it there seems to have been some favoritism played an inspector has been sent into that community and the board has been ordered to make an investigation and reclassification.

Mr. REAVIS. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. REAVIS. The question I had in mind was this: If there is partisanship on the part of the local board, so as to exempt those from class 1 who should have been placed in class 1, will not public sentiment in that community on the part of parents of boys who have been sent, while boys equally responsible for service are kept at home, compel those who are fraudulently exempted to go into the service eventually?

Mr. FIELDS. Certainly so.

Mr. SUMNERS. Does the gentleman think public opinion would be as strong in that direction if every man should stand just behind the lines in class 2 now, if that community did not furnish that quota out of class 2? Now, if that community did not furnish its quota out of class 1, he would be called on to help furnish the quota.

Mr. FIELDS. The gentleman is drawing on his imagination very extravagantly. The War Department would not accept such a classification from any board without investigating it. And in addition to that, if this resolution passes, they have the right to draw on class 2 even before class 1 is exhausted, regardless of the order, number, or location of those in class 2.

Mr. HAMLIN. Right on that point. As I understand the resolution, it gives the right to the President to call from any class certain mechanics—

Mr. FIELDS. Experts, who, if classified as such, are placed in class 2.

Mr. HAMLIN. We all understand that is pretty broad authority.

Mr. SHALLENBERGER. The resolution gives him authority to call not only mechanics, but call any man in any class from any place at any time.

Mr. HAMLIN. That is exactly what I say. It is broad authority, and it looks to me like the President has the right to call anybody from any class.

Mr. LAZARO. Has the gentleman any idea of the percentage of the men who were registered in class 1 who have volunteered and been permitted to select their branch of the service away from the firing line?

Mr. FIELDS. I have not those figures at hand.

Mr. KNUTSON. Will the gentleman yield?

Mr. FIELDS. If you will make your question brief.

Mr. KNUTSON. What provision is there in the bill to protect agricultural labor?

Mr. FIELDS. There is no provision in the bill. But the Provost Marshal General has said in a letter that he published to the country that he would place at the foot of class 1 or defer the call of every man who is engaged in planting, cultivating, or harvesting of a crop, and on March 11 he sent the following telegram to governors of all the States. The telegram reads as follows:

WASHINGTON, March 11, 1918.

Governors of all States:
(No. B-80.)

A new National and State quota will be announced as soon as Congress acts on pending legislation governing the apportionment of quotas. In the meantime it will be necessary to call a new increment of about 90,000 men to be distributed equally throughout the United States. The call for these men will go out later in the day. In several cases this call will run over the current quota of the State and boards upon which it is made, but the excess will be credited on the new quota of each State and board affected, as will all other excess due to special calls.

The situation arising from the scarcity of farm labor demands that the call to the colors of men actively, completely, and assiduously engaged in the planting or cultivation of a crop, but who are in class 1 and within the new quota, should be deferred until the end of the new quota. Please instruct your local boards, therefore, that the President directs that, in filling this emergency call, they shall pass the order numbers of such men and defer their call for the present. It must be borne in mind that this step is taken solely in the need of the Nation and not for the benefit of any individual. Therefore, while boards should consider it a grave duty to exercise this power to conserve and augment the agricultural production, they should observe closely the conduct of those deferred, and immediately upon becoming convinced that any person so deferred is not giving his entire time and earnest attention to agricultural duty or that he is trifling with the deferment thus granted him, the board should forthwith call him to the colors. All citizens should assist in making this expedient effective and in bringing to the attention of the boards cases meriting deferment as well as cases in which deferment is being abused.

CROWDER.

And I will add in this connection what I have previously said, that it is seriously questioned by eminent legal authority as to whether the War Department can execute this order or proceed under the new classification without the enactment of this legislation. Therefore, the War Department is extremely anxious that it be passed without delay.

Mr. STEVENSON. Will the gentleman yield for one question?

Mr. FIELDS. I will.

Mr. STEVENSON. I want to find out if the proposition is to base the quota of a State on the number of those in class 1 (A) or upon the number of all those who are ultimately liable to military duty? I see your report says:

First, to provide that quotas under the selective-service act shall be based upon the number actually liable to military service under said act instead of upon population of the several States.

Now, do you mean by that that those in class 1 (A) or those who would ultimately be liable to military service?

Mr. FIELDS. Of course, if the war continues until all men shall be called, it would mean all those liable to military service, but in the first call, which applies to class 1, it will be based upon the number in class 1. In other words, it will be based on the number in the class they are drawing from at the time.

Mr. STEVENSON. What is the justice of that? I want to know. I am trying to get information. Ought it not to be based on the entire population rather than on military service under this act?

Mr. FIELDS. If we do that, when a community has exhausted all of its men in class 1 and has not yet filled its quota it will be forced, as I have previously explained, to send men who have dependents to make up its quota.

Mr. STEVENSON. When they have sent all their men in class 1.

Mr. FIELDS. Yes; if a community sends all the men it has in class 1 before its quota is filled, it will have to draw from men in other classes according to their order numbers, unless this bill is enacted into law.

Mr. Speaker, I reserve the balance of my time. How much time have I consumed?

The SPEAKER. Thirty-six minutes.

The SPEAKER pro tempore. The gentleman has consumed 36 minutes. The gentleman from Nebraska [Mr. SHALLENBERGER] is recognized for two hours.

Mr. SHALLENBERGER. Mr. Speaker, it has been charged that the fact that the members of the Committee on Military Affairs took time to consider this important bill has delayed the draft. Of course there is not one scintilla of foundation for any such claim as that. The Provost-Marshal General of the United States Army, under the law as it exists now, can call every man of military age in the United States and put him in the ranks to-morrow under the law we enacted heretofore. This new law that we ask for will not add a single man to the Army of the United States if it becomes a law. It only seeks to change the rules of the game after the game has begun, and some of us think it changes them unfairly between the different States and communities.

I have undertaken to put into the RECORD here the tremendous variation between counties and districts, running as low as 9 per cent in one county and as high in one county, in the district of the gentleman from Nebraska [Mr. SLOAN], as 98 per cent. I finally have gotten the Provost Marshal General to recognize it. Gen. Crowder is quoted as follows in the public press to-day:

Provost Marshal Gen. Crowder to-day ordered a thorough investigation of local draft board classifications in districts where the percentage of class 1 men is singularly small.

The inquiries are the result of congressional opposition to Crowder's plan to base the quotas for future drafts on the number in class 1 instead of the total number registered or the population.

In some districts the percentage of class 1 men is only 17, while in other districts it is 45 or 50. Several Congressmen claim that some local boards have deliberately adopted the policy of cutting down the percentage of class 1 men to keep their quotas lower.

"The investigations are being ordered just as rapidly as it is found there is the least cause for one," it was stated at the Provost Marshal General's office.

Now, if you will adopt the amendment that I am going to offer you will not have need of any investigations. There will not be anybody sent around to look into these matters, because we propose to base it, as the gentleman from South Carolina [Mr. STEVENSON] indicated, upon the total registered military population of military age in each district, and there can be no manipulation of that.

Now, in order that I may be exact in my statements, I want to read to you some provisions of the existing law, and the changes in that law made by the bill that we are considering. The very purpose of this bill is to hereafter take away the credit that was given in the previous draft for volunteers. It proposes that the drafted men shall be called in proportion to the total number of men placed in such class or classes or various subdivisions of the Territories and States and the District of Columbia designated by the President under the existing act, and that no provision in the act that we passed last May shall prevent him from doing that thing. The provision in existing law that would prevent him from calling the total number placed in class 1 provides that credit shall be given upon draft quotas for the men who volunteer or who are mustered into the service from the National Guard, and when we raised that point Mr. DAVIDSON, of Wisconsin, said to Gen. Crowder, "What shall we say to the people of Oshkosh, where we have not as yet drafted a man?" He said, "We have now many volunteers ready for the next call." Col. Johnson, the deputy provost marshal, said a man is not entitled to much credit who volunteers. He should let the provost marshal send for him when he wants him.

The existing law bases the quotas called for from the various draft divisions of the country upon the total population of the district. For the reason that the population statistics available at present are only estimates, the Provost Marshal General states that the quotas called for under the present law in the first draft were not equitably distributed. In determining the population aliens who are not liable for military service were counted in the estimates of population, and therefore those draft districts having large alien populations were required to furnish soldiers out of proportion to the numbers of those taken from districts whose total population was largely or entirely citizens.

We seek to correct those two things.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. MADDEN. The gentleman made the statement that the draft was made upon the population of districts. Is it not based upon the population of States?

Mr. SHALLENBERGER. On the population of States and subdivisions or districts thereof.

Mr. MADDEN. No; it says "the States."

Mr. SHALLENBERGER. It says "States, Territories, and Districts, or subdivisions thereof." I have the law right here.

In order to eliminate these two inequities, which are generally admitted, the joint resolution S. J. Res. 123, which is now before us for consideration, was prepared by the office of the Provost Marshal General and submitted to Congress for its approval.

I have prepared an amendment to the bill under consideration which I propose to offer at the proper time, and which I have published in the Record at the end of my remarks for the information of the House, which will completely correct the above-enumerated inequities of the present law and yet preserve entirely the basic principle of all compulsory military laws of every country. [The basic reason urged for the draft law was that every man owes military service.]

The present law provides that the draft—
shall be based upon liability to military service of all male citizens between the ages of 21 and 30 years, both inclusive. Quotas for the several States, Territories, and the District of Columbia, and subdivisions thereof, shall be determined in proportion to the population thereof.

My amendment provides that the quotas for each draft district shall be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived claims for exemption.

The reason for including aliens who have waived claims for exemption is because Gen. Crowder states that they have been placed in class 1, and therefore are as ready for military service as any citizen. The reason for abandoning total population as a basis is that it is a guess at present and includes aliens who can claim exemption. My amendment eliminates both of these objections and bases the quota upon a census made by the War Department itself, and eliminates all aliens who refuse to serve in the Army. [Applause.]

The Provost Marshal General's office by the adoption of the bill now under consideration without amendment proposes to change completely the basic principle of the present law and determine the quotas in proportion to the number of men placed in classes by the local draft boards. Gen. Crowder has stated to the Military Committee and to me personally in discussion about the bill that if this bill is adopted he expects to base the quotas hereafter to be called upon the total number of registrants placed in class 1 by the various draft boards of the country.

Mr. DENISON. Mr. Speaker, will the gentleman yield for a question?

Mr. SHALLENBERGER. Yes; I will yield for a question.

Mr. DENISON. Under your amendment that you are going to propose is the quota determined before the physical examination or afterwards?

Mr. SHALLENBERGER. Before the physical examination. That does not leave any chances for manipulation. The bill as reported by the majority of the committee is intended to no longer allow credit for volunteers or those inducted voluntarily into the service.

In regard to that call for the first men under the second draft they sent out notices to the States saying that they were not to allow credit for volunteers. I addressed a letter to the Provost Marshal General and called attention to the provision of the present law. His office replied that they wanted to know that they would get a certain number of men at this call. He notified them not to take credit for volunteers, but he says he expects in the future to give credit for volunteers in subsequent quotas.

Mr. BURNETT. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. BURNETT. If that credit is not allowed for the volunteers, how does it occur that discrepancies exist such as the gentleman from Georgia [Mr. CRISP] referred to?

Mr. SHALLENBERGER. It is because of the power the President has to call them for special units. We granted a greater power perhaps than Congress intended. We are told by the Judge Advocate General's office that they do not have to come to Congress for any further legislation on that score. We opened the door wide enough for anybody and everybody.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. MADDEN. I understand that the gentleman's amendment proposes to base the quota on the total registration?

Mr. SHALLENBERGER. On those found liable to military service. I omit all aliens and all those excluded under the law between the ages of 21 and 30.

Mr. MADDEN. That excludes convicts and everybody?

Mr. SHALLENBERGER. Yes; excludes convicts and immoral persons and aliens who have claimed their alienage. Those are included in class 5. My amendment only includes in

the military population those in the first four classes—all good Irishmen and other good men who are willing to fight for this country. [Laughter.]

Mr. MADDEN. The same inequalities that are complained about will hereafter exist as they exist to-day?

Mr. SHALLENBERGER. No. I have eliminated all of them. I have eliminated all chances of that. Now, we know what they are. I eliminated all aliens who claim exemption. Every alien who waived exemption is put in class 1.

Mr. DILLON. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. DILLON. If I understand the gentleman correctly, if this bill is passed it will wipe the slate clean of all credits which the States or counties may have by reason of volunteer enlistments?

Mr. SHALLENBERGER. It will allow no credit for volunteers. No; they will have none whatever hereafter if you adopt the bill as reported by the committee. It is the intention of the War Department to allow no credit hereafter for volunteers upon future draft quotas if this bill becomes a law as reported to the House.

Mr. FIELDS. Will the gentleman yield?

Mr. SHALLENBERGER. I should like to finish my speech if I can, and then I will answer questions.

Mr. FIELDS. Do I understand the gentleman to say that all aliens who do not claim exemption are placed in class 1?

Mr. SHALLENBERGER. Yes.

Mr. FIELDS. If the gentleman will recall, I asked Gen. Crowder that question in the committee, and he said they were giving the same rights to aliens on claims for exemption as to any others.

Mr. SHALLENBERGER. Yes; but he says directly, and I will put his language in the Record, that every alien who did not claim his exemption is placed in class 1, and he said it to me in the presence of the Assistant Secretary of War. There is no question about it. Now I will yield for one more question, and then I want to go on.

Mr. KREIDER. I should like to know whether the gentleman's amendment provides for the giving of credit for those who have enlisted since the last draft?

Mr. SHALLENBERGER. Yes; for all volunteers. Now I will yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Do I understand the gentleman from Nebraska to say that hereafter the Government will not accept volunteers?

Mr. SHALLENBERGER. It will accept them, but hereafter no credit will be allowed, if this bill becomes a law.

Mr. COOPER of Wisconsin. Allowing no credit is a very different thing from not receiving them.

Mr. SHALLENBERGER. They will receive them, but they will not allow your district any credit for it. I am going to show you what that means.

Mr. COOPER of Wisconsin. They will allow men to volunteer to go and fight for the country—

Mr. SHALLENBERGER. Yes; but they will allow no credit to your district for them.

Mr. COOPER of Wisconsin. To take the place of drafted men—

Mr. SHALLENBERGER. But give them no credit for them. Mr. JOHNSON of Washington. As a matter of fact, the Provost Marshal's office ceased giving credit some time ago, did it not?

Mr. SHALLENBERGER. Yes.

Mr. DENT. If the gentleman will allow me, I think there is some misunderstanding about this question of volunteering.

Mr. SHALLENBERGER. All right.

Mr. DENT. The Government has stopped receiving volunteers, except in the Navy and in the Marine Corps.

Mr. JOHNSON of Washington. They volunteer for service in the Engineers.

Mr. SHALLENBERGER. I will explain that, if the House will permit me. After the 15th of December they changed the name for the man who wants to serve his country voluntarily. They no longer call him a volunteer, but if he comes within the draft age he is called an inducted man, and under the present law that man's draft district would be entitled to credit for him.

Mr. HARRISON of Virginia. Will the gentleman state this fact, that this bill not only denies credit for enlistments hereafter, but it takes away credit for the enlistments that were already made?

Mr. SHALLENBERGER. Yes.

Mr. FIELDS. Will the gentleman yield for a question?

Mr. SHALLENBERGER. Just one question.

Mr. FIELDS. The gentleman is in error as to inductions. The local board is given credit for the men who are inducted. I had a case a few days ago of an accountant whom they needed in the service, who was inducted, and they wired the local board the authority to induct him.

Mr. SHALLENBERGER. If he came from class 1, they will get credit for him, but otherwise not.

As I said to you, the bill as reported is intended to deny and does deny these credits for volunteers. The law as it now exists allows credit to the draft district upon its draft quota for the number of soldiers so furnished, and my amendment adheres to that just principle. The purpose of raising armies is to get soldiers to fight the country's battles. It is immaterial to the Nation whether they come as volunteers or drafted men. But it is a vital thing to a community whether or not it is dealt fairly with as between other communities of like obligations in the matter of furnishing soldiers for the sacrifice of war. Under this law a draft district may have furnished voluntarily the entire number of soldiers required of it under a draft call, yet if its local board has put as many of its men in class 1 as has another district that has furnished no volunteers whatever, the county that has already given its full quota of men for the trenches of Europe will be required to give as many more as the county does that has furnished no volunteers. This is true of many counties in Nebraska. I do not believe that this House or the country will accept as a just application of the principle of universal liability to military service a law that will result in some sections furnishing several times the number of men to go to France and die in battle that other districts of the same military population are required to do.

Let me call the attention of the House to the fact that Mr. LENROTH, the new Senator from Wisconsin, placed in the RECORD a statement showing that five States have been given four-fifths of all the great war contracts made by the General Government up to the date of his speech. The labor of those contractors becomes very profitable if it can be retained for use on these contracts. If the local boards in those States place a small per cent of their registrants in class 1, it may easily result, if this bill becomes a law, that some States will grow rich during the war from the profit of the labor of their men who remain at home, while the rest of the States send their men to fill their places in the battle line. [Applause.]

The attempt is made to justify the bill that is now before the House upon the ground that the men of military age who stay at home because they have been placed in favored classes render a service that in some degree can be compared with that which the soldier gives to his country upon the field of battle. But no fair-minded man will contend for a moment that there is a similarity of service or sacrifice required from those who stay at home with that which is asked of the soldier in this war. No man makes a sacrifice at this time that can be compared in the slightest degree to that of the soldiers who are now fighting, struggling, and dying upon the blood-soaked battle fields of France. [Applause.] Hundreds of thousands of these men whom we are going to draft under this law are going to certain death before this war is over. Thousands of our boys may be dying there to-day. Those who stay at home are going to get rich and enjoy peace and happiness because the sacrificing soldier wins the war for him. The soldier starves and suffers from wounds and struggles through the mud of Flanders and dies in the trenches upon the sodden and trampled plains of Picardy. The man who stays at home receives bigger wages than he ever knew before; the products of his labor command enormous prices, compared to those paid for them in time of peace. You can never make the soldier nor the people of this country accept the plea that the man who stays at home in peace and plenty and gets rich because of the inevitable opportunities for money making in war time is in any sense giving service that is military in the meaning of the present law. [Applause.]

The selective-draft law, fairly and properly applied, can mean this and only this: Given a thousand registrants of military age, every man of them owes to his country the sacrifice of his life, if need be, upon the battle field to defend his country's rights or her existence. Only those are to be excused from among those registrants who are physically unfit to fight or to do other military service. The principle of selective conscription allows a board of local men to determine only the order in which those found liable and fit for service shall be called. If it is claimed that the bill under consideration does not specifically state that quotas are to be determined by the number in class 1, the Provost Marshal General has stated to the Military Committee that that is the rule which is to be put in practice—and it is the rule that this bill is asked to make possible—and he says that if he is given this bill as it comes from

his department he does not expect to have to invade any other classes except for experts, and that with the light and information that he has before him now he believes we will fight this war with the number of registrants in class 1.

To base the quotas upon the number of men placed in class 1 will result in the number of soldiers furnished by any draft district being the result of the opinions of men who, either through intent, ignorance, or misunderstanding, may so classify the men as to result in the grossest inequalities as between different communities and States.

In my own State of Nebraska the report as to the classifications made by the different boards in every draft district and furnished me by the governor shows the most glaring inequalities and variations as between counties of like numbers and character of population. I have placed some comparisons in the RECORD, and for the information of the House I had printed yesterday the entire report showing the total number of registrants, the number placed in class 1 by each draft board, and the number of registrants who have appealed in every county in the State. My information is that a very small per cent of exemptions from class 1 assignment are being allowed by district boards upon appeal. In the counties where I made inquiry they are so few as to have little effect upon the final figures.

Mr. ROGERS. Suppose a man is placed by a local board in class 2, who, in view of the general rulings and directions of the Provost Marshal General, should have been placed in class 1, is there any way of reviewing that action of the local board?

Mr. SHALLENBERGER. It is very difficult. There is a county agent, a lawyer, appointed to advise every board, and if he advises against it nothing can be done. In most of the counties they are told that they do not want any interference, and but few appeals are being granted.

But, Mr. Speaker, I oppose this proposed overthrow of the basic principle of the present draft law and the proposal to fight this war with an army to be raised solely from class 1, because I believe that it will result in disaster to the country and a wholesale delivery of men from liability to military service at a time when every thinking man knows that if we win this war we will have to arm every man of military age, as provided by the terms of the present act, and in all human probability raise the age limit high enough to make possible the levying of at least 10,000,000 of fighting men.

Let us have done with foolish fancies about winning this war with food, with ships, with speeches, with revolutions in Germany, with men behind the plow, with men in manufacturing plants and all other places where men are safe from German bullets and making money while the soldiers die. This war will be won, can only be won, when we put more fighting men in France than the central powers of Europe can muster; men with rifles in their hands and cannon and machine guns at their backs. We will only win it when we understand it is only with blood and iron and man power in overwhelming numbers that we can drive our enemy from one field to another, from trench to trench, from fortification to fortification, and across the Rhine; until we nail the Stars and Stripes upon the very gates of Berlin. [Applause.]

Let us look for a moment at the picture that the battle field of Picardy presents to-day. Though we have never been furnished the figures as to the comparative size of the armies now engaged in a death struggle, we know beyond any possibility of dispute that Germany was only able to start this great drive on a 50-mile front and plunge 40 miles deep into the center of the allied lines because, and only because, she had more men, overwhelmingly more men, with rifles in their hands and cannon to support them, with which to overcome the valor and the skill of the outnumbered allies. She has no better soldiers nor better guns; no more efficient leaders; she simply has more men and more guns. We must only expect to defeat them with a bigger and better armed force than they can possibly muster.

Why has Germany and Austria been able to muster a larger army than the allies do at this critical hour in France?

The allies outnumber them in population. The superiority in numbers of the German armies has been brought about because they have applied to the limit the principle of universal liability of their men of military age to render military service. Every man who is able to stand in the ranks is on the firing line, high and low, rich and poor, prince and peasant. You ask who does the work of Germany and France? I answer, it is done by those who are unfit to fight, too old or too young to be soldiers. The women and the children and the prisoners of war supply the rest. This is true of every nation in Europe which is in this war. We must prepare to do the same thing here. Many men are possessed of the soft notion that this war is a task that will not push this Nation to the very limit of its powers in order to win it. Too many men are thinking that this is a time to

make money; many of those who cry for this very bill which we have under consideration shout loudly that industry must not be disturbed. I say, Mr. Chairman, that every good American must get out of his head every thought of making money out of this war, or we are liable to lose it. Let those who are eager for war profits beware, and turn their attention to furnishing fighting men, or they may discover at the last that they have only been making money while their country bleeds, to at the last have to contribute their war profits to the Kaiser. [Applause.] We have decided that \$30 a month is sufficient pay for the soldier, who is asked to give his young life for his country's salvation. Let every man fix his mind on the soldier's pittance and resolve to contribute his surplus above that amount to his country as long as her very life is at stake.

The Provost Marshal General in advocating this very bill before the committee stated that the reason that he would fight the war with class 1 was that the prime object of the Nation should be to protect the economical and industrial life of the country. But we can not safely protect that life with the limited army that can be drawn from that class as at present selected.

It is in the printed hearings that the gentleman from Ohio, [Mr. Gordon] asked the Provost Marshal General whom he considered the greatest military genius that the present European war had produced. The General replied that no great military genius had arisen as a result of this war. He stated that this was a war of minor tactics, a war of commanders of small units, of captains and lieutenants. Well, it may be so in Washington; there are plenty of them here, I admit [applause], but in my opinion history will not record that verdict as the lesson of the battle fields of Europe.

Was it a war of minor tactics when five great German armies, composed of more than a million and a half of men, after the conquest of Belgium came pouring down into northern France and Marshal Joffre, that grand old hero of France, turned them back at the Marne, on a battle front of a hundred miles, and saved the democratic civilization of western Europe? [Applause.]

Was it a war of minor tactics when this man Hindenburg that now overtops the Kaiser with his fame in Germany, overthrew at Tannenberg, after seven days of battle on a front of 70 miles that great invading army of the Russians with a loss to them of 250,000 men and gave them a defeat that struck the first blow at the very vitals of the Russian Empire?

Was it a war of minor tactics when a year later, Von Mackensen swept with three great armies up through Galicia and united with the Germans who had captured Warsaw and overran Poland and finally put the Russian Empire out of the war and lost to our allies a force that only America is able to make up to them?

And is it a war of minor tactics that is being fought on the bloody plains of Picardy to-day, upon a battle front of almost a hundred miles? Millions upon millions of brave men are there straining in a colossal struggle with the whole world as a possible prize. The battle front at Waterloo extended for less than 3 miles. Gettysburg, Austerlitz, and Jena about the same. The armies that fought in those wars of the past were counted by thousands. The great battles of this world war are fought by millions of men upon either side.

Mr. Speaker, we must get out of our minds these fields of small dimensions, these ideas about small tactics. Captains and lieutenants are essential in this war, but in places of high command we must have men of unquestioned vision and understanding of the magnitude of the task we have undertaken. We have such a man in Pershing, who commands our troops in France. [Applause.] Let us give him the Army he must have to bring certain victory to our cause.

The idea behind the bill under consideration contemplates an army unequal to the task that confronts the country. The world is the stage of this great war and we should strive to become the chief actors in the drama and perform the principal part. The age of military service should be raised at once to at least 40 years, where the House put it when we passed the draft law. [Applause.] Personally, I am in favor of raising the limit to 60 years. It is over 50 in some of the European countries now. Many a man between 50 and 60 is still good for some kind of military service. Let him be required to render that service at the salary of the soldier. Let us preserve inviolate the basic principle of the present law, which, in my opinion, the proposed bill will destroy, and that is that every hundred men in America of military age that are physically fit shall be required to furnish the same number of soldiers, and that the only thing that the classification shall determine is the order in which those men shall be called to serve their country upon the field of battle. And also let us give credit for those

men who are brave enough to volunteer for the service of the Nation when she needs volunteers. [Applause.]

I append the amendment which I propose to offer to Senate joint resolution 123, which is the bill under consideration:

Amendment by Mr. SHALLENBERGER: On page 2, line 5, strike out all after the word "act," down to and including the word "act" at the end of line 8, and in line 11, after the period, at the end of the bill, add the following: "Quotas for the several States, Territories, and the District of Columbia or subdivisions thereof, called under the provisions of the act of Congress approved May 18, 1917, shall hereafter be determined in proportion to the total number of persons registered and liable for military service therein, including resident aliens who have waived all claims for exemption, and credit shall be given on its quotas to any State, Territory, District, or subdivision thereof for the number of men who have entered the military service of the United States from any such State, Territory, District, or subdivision thereof since April 1, 1917, including members of the National Guard who were in Federal service on that date."

Mr. FIELDS. I yield 10 minutes to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Mr. Speaker and gentleman of the House, it will be utterly impossible for me to discuss the merits of this measure in 10 minutes or to answer the criticism of my eloquent friend from Nebraska [Mr. SHALLENBERGER]. As I sat in my seat and listened to his portrayal of the great struggle going on on the fields of Picardy, I wondered how he could take the floor in this House and undertake to strike down a measure that is intended above all things to help our country win this war. When we enacted the selective-draft law, we did it for the purpose of raising an army. There are two great fundamental facts underlying that law. One is that every man physically fit in this country is liable for military service. The other is that the Government has the undoubted right to say to a man, "You shall put on the uniform of a soldier and fight or you shall remain at home and perform the duties that will best tend to win the war."

Under that law boards were organized to register the young men of this country between the ages of 21 and 31, which this House and the Senate determined that between those ages we could find the men best fitted to build up an army. Nine million men and more were registered. After they were registered the call came, and they started in to call the first number—687,000. They went up the line, beginning at No. 258, the first number drawn, and they found under the law drafted men with dependents might be exempt. Are you opposed to that? They found the law provided that men engaged in agricultural enterprises in the United States should be exempt. Are you opposed to that? It provided further that students, doctors of divinity, ministers, and other classes should be exempt, and so they went up the line searching for men that properly fell in class 1, as provided in this bill, and we got the first 687,000.

Mistakes were made, men were put into the service that should have been exempt, others were exempted that ought to be put in the service, but we know that it is utterly impossible for boards to perform this duty without making some mistakes. They did make some mistakes, but every man on the Committee on Military Affairs, including the gentleman from Nebraska, is estopped from making complaints of the boards, for we insisted that the boards should be composed of men living in the various communities in which the men were to be selected, in order that they might know who were best fitted to go into the Army and the men that must be left out and the men who were necessary to agriculture and industry.

They selected 687,000 on the quota based on population. It took in women, aliens, and everybody, and did injustice to a great many communities. That would be fair if everybody composing the population was capable of being a soldier; but they are not.

The amendment to be proposed by the gentleman from Nebraska, which bases it on the registrants rather than on the men in class 1, is equally unfair, for in the registration we have the aliens, cripples, halt, blind, deaf and dumb, and all the different classes that must be exempt.

What does this bill propose? It proposes that the quotas shall be based on the number of men in class 1 in each State in proportion to the number of men in class 1 in the United States. It proposes that of the men in any district, in any State, in class 1 the quota shall be in proportion to the number of men in class 1 in the State.

Who are in class 1? Why, the young men, the unmarried men, the married men supported by their wives—they and a few other classes not necessary to carry on the business of the country at home. Is there a man in this House who would say he would not stand for that proposition, but would prefer to enter into class 2 and class 3 and take therefrom the man from the cottage, leaving his wife and children behind; to take the man from the plow, who ought to be left at the plow; and take the man from the factory, whose services are needed? Surely

you would not; and yet the gentleman from Nebraska impugns practically the motives of the Judge Advocate General of the United States, a man whose heart, I believe, beats with patriotic fervor every moment in the day. He impugns the motives of the boards in his own State and in the State of every other man in this House—that they have corrupted themselves, that they have debauched the office to which they have been appointed, by exempting men from class 1 and putting others in class 1 that should not be there.

Gentlemen of this House, if there is any complaint to be made, it is not of the law but it is of the men who live in our own communities who administer the law. This amendment proposed by the War Department, passed in the Senate on March 1 and pending here ever since, will give the United States Government an army composed of men capable of serving the country and one which will do the least injury and disturb least the agricultural interests of the country.

Now, I have not time to discuss the bill and I wish I had. I want to say this, If there is any man who has a controlling feeling for his district in which he resides, for the State from which he comes, greater than his love for this great land in which we live, then vote for the amendment proposed by the gentleman from Nebraska.

I want to mention one thing more before I leave it. That is, in relation to the volunteers. Gentlemen, we got credit for the volunteers in the first draft. The most of the men enlisted since that time and since the mobilization of the National Guard are men who are between the ages of 21 and 31, who felt they would rather enlist than be drafted. They were all properly in class 1. Therefore we got credit for them. The only ones we will not get credit for are those below 21 and above the age of 31. When we get into the discussion of the resolution under the five-minute rule, I perhaps will have a little more time; but I simply want to say this to you: The great State of Illinois, which I have the honor in part to represent, furnished its quota of volunteers, and furnished more men for the Marines than any State in the Union. It was second or third in the Navy, and went far beyond its quota in the Army of the United States, but I have not even taken the interest to look to see how this resolution will affect my congressional district, and why? Because, notwithstanding I love that old spot—I was born there, it is my home, I am proud of the history of my native State—I feel this way about it: If the thirteenth congressional district of Illinois has any young men in it who fall within class 1 under this resolution, and some county in Nebraska has not as many men in class 1 as Illinois, I want those Illinois boys taken to go into this army before I invade the district of my friend from Nebraska and take the married men and those men who are needed in Nebraska. [Applause.]

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. Just one moment. We must not forget that this is not a battle of Nebraska; this is not a battle of Illinois; but is a battle of the Nation, and it is a most terrific one. I want to say in conclusion that when the gentleman from Nebraska [Mr. SHALLENBERGER] talks about the army of ten million, he has not anything on me. I am for whatever sized army is necessary, and I want to say to the gentleman from Nebraska that when the bill was up for consideration in the House to provide an army of 1,000,000 men I did not hear him move to amend it to make it 10,000,000 men or 5,000,000 men. If you want to waste your time talking about getting a fellow over here who ought not to go, or a man over there who ought not to go, then vote against this bill, turn down the War Department, turn down your administration, and go back to your districts and tell your people that you did the best you could to keep them out of the war.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. WISE. The gentleman just stated that if we wanted to vote to turn down the administration or the War Department to vote against this resolution. I want to ask the gentleman if the Secretary of War in the hearings did not state specifically several times the opinion that credit should be allowed for volunteers?

Mr. McKENZIE. That is true.

Mr. WISE. What does the gentleman mean when he says that we would turn down the War Department if we vote against the resolution? To whom does he refer? The Secretary of War said that this bill ought to be amended.

Mr. McKENZIE. I can not help but think of the Secretary of War as I do of my friend, as a civilian in responsible position, for whom I have a good deal of respect; but I prefer to take the word of a man who is a real soldier on a matter of this kind. I want to say one other thing, and that is that the

Judge Advocate General said, and I know my friend believes it, that it would be an absolute impossibility to administer that provision of the law.

Mr. WISE. Oh, I beg the gentleman's pardon. In reply to that, I will state exactly what was said, and all he did say. The only reason he gave for not wanting to allow credit is because he was trying to relieve himself of an administrative difficulty; because of the trouble that it would put the department to to get the names of the people who volunteered and give credit; and that is the only reason he gave, and that is his language.

Mr. McKENZIE. Does the gentleman think that it is a practical impossibility?

Mr. WISE. I do not.

Mr. SHALLENBERGER. And I want to say, in regard to the comment of the gentleman in respect to the married boys in Nebraska, that the gentleman, of course, is aware that nobody knows how many married men are in class 1. Every married man between the ages of 21 and 30 who did not claim exemption is in that class, and we know that 60 per cent of the men did not claim exemption. We also know that 262,000 of those who failed to respond, the delinquents, in the last draft are now in class 1; and figuring there will be as many more delinquents in this call, we would have 500,000; and no one knows at all how many of them are married, but we do know the counted population.

Mr. McKENZIE. I will say in reply that, viewing the subject from my standpoint, I would take those out of class 1 who ought not to be there and put them where they belong.

Mr. CARAWAY. The gentleman would not turn down the War Department, would he?

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Speaker, the speech to which we have just listened did not discuss the joint resolution before the House, and therefore I shall read it:

Resolved, etc. That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes, except those exempt from draft under the provisions of said act in proportion to the total number of persons placed in such class or classes in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however classified or wherever residing.

This proposed amendment to the draft law subjects to the arbitrary control of the military authorities all of the men in the United States between the ages of 21 and 30, inclusive, who are not in the military service, excepting only those who are unconditionally exempted from the draft by the provisions of the act of May 18, 1917.

Under section 2 of the aforesaid act it is provided:

Such draft as herein provided shall be based upon liability to military service of all male citizens or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act.

It is not my purpose to press upon the attention of the House any considerations in opposition to the act of May 18, 1917; my views upon that legislation were fully expressed at the time of the passage of the act, and while I have seen no reason to change the opinion then expressed this House, by a very large majority, indicated by a vote of its Members a different opinion than that entertained by me, and I have no disposition to renew the arguments which I then made. I know of but one thing in connection with the administration of the conscription law which won the universal approval of good citizens throughout the country, and this was the manifest fairness and impartiality with which the drawing by lots whereby the order in which the men registered should be called for military service was fixed. This was done under a regulation authorized by the law and carried out by the War Department in a manner that won universal approval throughout the country, and I have never heard a criticism of the justice and fairness by which the order in which these 9,600,000 men should be called into the military service was fixed and determined.

This proposed joint resolution repeals and revokes all the proceedings by which the order in which the men should be called into the military service was determined, save and ex-

cept those already in the military service, and authorizes the military authorities by regulations "heretofore or hereafter prescribed by the President" to determine the order in which the remaining men shall be called into the military service.

The elaborate classification set forth in the majority report is important and instructive only in so far as it illustrates the possibilities of reclassifying the men in any way the military authorities may hereafter decide will be most convenient and expedient.

After the enactment of the draft law appeals were made throughout the country by many governors and other inferior officers to the people of the States and the several subdivisions urging them to enlist in the Regular Army or National Guard and thus relieve their States and localities from the obligation of furnishing men under the draft law. These appeals were unquestionably made in good faith, and thousands of voluntary enlistments were made in response to these appeals. This joint resolution repeals so much of the draft law as requires credit to be given to the different States and subdivisions for voluntary enlistment in the Regular Army or National Guard since April 1, 1917, and of members of the National Guard who had been called into the service of the United States prior to April 1, 1917, as provided in the act. It is sought to justify this legislation by calling attention to the injustice imposed by the administration of the draft law, whereby localities having a large alien population were required to furnish citizens for the Army where the alien claimed exemption upon that ground. The injustice resulting from the administration of the law to the several communities having a large alien population grew out of the manner in which the law was administered rather than out of the provisions of the law itself. The law required that quotas be apportioned to the several States and subdivisions thereof in proportion to their population, and in determining population the War Department divided the total registration on June 5, 1917, by the total estimated population, including aliens, and the quotient, 9.32 per cent, was assumed to represent the proportion which the registrants in each geographical unit represented of the total population thereof, and then to determine, for the purposes of the draft, the population of each county or division, the total registration in each geographical unit was divided by 9.32 per cent, and the quotient was accepted as the correct population of that county or division. It is obvious that this would result in a gross discrimination against all industrial localities which had a large proportion of men between the ages of 21 and 30, inclusive. For example, the city of Cleveland, which by the census of 1910 had a population of 560,663, was given an estimated population for the purpose of determining its quota under the draft of 1,125,440, while the city of Cincinnati, which by the census of 1910 had a population of 363,591, was given a population, for the purpose of the draft, computed from the registration of those between the ages of 21 and 30, inclusive, of 436,352. The city of Akron, which by the census of 1910 had a population of 69,067, was by the method of computation above referred to given a population for the purpose of this draft of 338,348. The only just rule for apportioning the allotment to the several States and subdivisions is to base the apportionment of each locality upon the men actually liable for military service plus the aliens who waive their exemption from liability for such service.

With the information in possession of the War Department provided by the answers to interrogatories designated "the questionnaire," there is no longer any reason or excuse for estimating the population or the number of men in each locality who are liable for military service under the law, including the aliens who have waived their claim for exemption on the ground of alienage.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. GORDON. Yes.

Mr. KAHN. The population was not determined by the Provost Marshal General.

Mr. GORDON. It was determined by the Census Bureau under a rule prescribed by the Provost Marshal.

Mr. KAHN. The rule, as I understand it, was based upon the proposition that they took the census of 1910 and then made an allowance of so many people to the family and multiplied it by that figure.

Mr. GORDON. The gentleman is mistaken. It had no reference to the census of 1910. They took the total registration of June 5, 1917, and divided that by the total estimated population in continental United States on that date. The quotient was 9.32 per cent; and in order to determine the population for the purposes of the draft in a particular subdivision thereof they divided the registration by 9.32 per cent.

SEVERAL MEMBERS. Multiplied it.

Mr. GORDON. No; not multiplied—divided.

Mr. JOHNSON of Washington. What is the population of Akron, Ohio?

Mr. GORDON. I have given the population of 1910. It is a city that has grown quite rapidly, but I never heard a claim of over 100,000 or 150,000.

Mr. JOHNSON of Washington. A hundred and fifty thousand?

Mr. GORDON. Yes.

Mr. KREIDER. Will the gentleman yield?

Mr. GORDON. I will.

Mr. KREIDER. Do I understand the gentleman that the population was based on the registration?

Mr. GORDON. Yes; it was determined by a method of computation based upon the registration.

Mr. SHALLENBERGER. It was not based upon that, but attempted to be estimated from that.

Mr. GORDON. It was estimated from that. Of course it assumed every person registered had a family of four or five—represented a family of four or five, to be exact.

An amendment will be offered to the joint resolution by Gov. SHALLENBERGER fixing the quotas of the various subdivisions in accordance with the rule above stated and crediting each State and subdivision with all voluntary enlistments in the Regular Army and National Guard, as provided in the act of May 18, 1917, and also the men already called under the draft. This will correct every past injustice done to communities with large alien populations in the administration of the law and answer every useful and proper purpose subserved by placing aliens who claim exemption on that ground in a deferred class, as proposed by the majority report. If the power to reclassify is retained in the joint resolution, the effect of the proposed classification is purely speculative, because it may be abolished at will and a new system adopted.

The temptation of local boards to place their registrants in deferred classes and thus relieve their communities of their fair share of the burden of military service is the most patent objection proposed in the majority report, and the only answer to this is that arbitrary power is conferred upon the military authorities to alter, reform, or abolish this classification at will and create a new one, and this is equivalent to subjecting to the absolute control of the military authorities the bodies of these 9,659,382 men who are not unconditionally exempt from military service under the law or are already in the military service. This power is admitted in the closing paragraph of the majority report, where it is contended that persons improperly placed in deferred classes may be called into the service as "skilled experts" regardless of the class in which they may be placed. Every man of common sense knows that any man in the country who may fairly be said to possess special skill in industry or agriculture, and whose special services would be of real value, would promptly respond to a request of the President to render such service, whether he is liable to the draft or not, and the disposition of local boards to grant deferred classification in response to the importunities of registrants and their friends regardless of the interests of the public at large or the military service is too obvious to require extended comment.

The act of May 18, 1917, provides that it is based upon the liability to military service of all citizens between 21 and 30 years, both inclusive, and provides for certain absolute exemptions which have been recently enlarged by the inclusion therein of alien declarants from neutral countries. The law authorizes the President to exempt from military service "persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment, or the effective operation of the military forces, or the maintenance of national interest during the emergency." The majority of the committee now proposes this amendment "to protect each and every community of the country against extreme hardship" by taking all of its young men who are not placed in deferred classes and relieve those communities who place their registrants in such deferred classes. This joint resolution proposes to increase the burden upon those communities in which the young men do not ask to be placed in deferred classes and to allow no credit to the counties and subdivisions which have furnished large contingents of volunteers for the Regular Army and National Guard. It adopts and legalizes every criticism made in the debate last year against the volunteer system, and yet deprives these young men of the credit, honor, and glory of making a voluntary gift of their services and lives to their country. It will not add one man to the available military resources of the Government; it repudiates and repeals the order fixed by the drawing last year and discriminates against the men already drafted into the service and in favor of those who happened to be drawn a little lower down in the list. This joint resolution is a paradox and an inconsistency. If

the draft law should be administered under it with all the rigor authorized, it can be made an instrument of oppression and favoritism by the military authorities. On the other hand, if, in its administration, men who request it be placed in the deferred classes, it is a return to the volunteer system, and "the stone which the builders rejected will have become the head of the corner."

Mr. KAHN. Will the gentleman from Ohio, before he takes his seat, allow me to call his attention to the hearings as to what Gen. Crowder said about the different proportion?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GORDON. I can save the gentleman that trouble. I have here a report of the Census Bureau which sets it out, and I have copied in my remarks the language of that report. There can be no mistake or misunderstanding about it whatever.

Mr. KAHN. The hearings show that Gen. Crowder said they made no suggestion to the Census Bureau about those figures.

Mr. GORDON. Well, I do not think that is important or material whether it is an error committed by one or the other; it was an error just the same and ought to be corrected.

Mr. FIELDS. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Speaker and gentlemen, all this camouflage here about the great injury and injustice that is going to be worked on somebody because the War Department is endeavoring to correct the former evils of the draft law and put in the fighting men necessary to win this war should not be countenanced by this House. Over across the ocean now, as brought by the electric current and printed in the morning papers, American soldiers are on the battle front doing honor to themselves and this glorious Republic. Think of it, 40 miles of territory formerly occupied by the allies has since the 21st day of March up to the 11th day of April, including important towns, been captured by the Kaiser's hords. Great dangers confront not only the civilization of our allies but of the American Republic itself. Our institutions, our religion, our language, our Government, our civilization, our homes, and the virtue of our womanhood are now at stake, and yet we hear men talking about the espionage bill ought not to pass. Thank heaven, I heard it read here a moment ago, that the Senate had at last passed the espionage bill, which this House had passed some time ago. Some people during this awful war want free speech, want to allow a spy to be in every neighborhood of this country when our armies are in jeopardy over yonder. My friends, if I had my way, as soon as a spy was convicted I would send him to the graveyard at once. [Applause.] Free speech! With several millions of alien enemies in this country now when we are engaged in the stress of a holy and just war, and the civilization of the American Republic is hanging in the balance, some people talk about allowing anarchists, pro-Germans, and bolsheviks to stand on the street corners and cuss this Government of the United States when we are engaged in a great war. Of course, the bolsheviks, the pro-German, the anarchist, all anti-Americans, desire free speech. Free speech turned Russia over to the Kaiser. That type of free speech might turn America over to the war lords of Germany. Free press! All of us know we have a free press in time of peace, and we will have it as soon as this war is over, but every infernal newspaper in this country which publishes articles against the interests of this Government should be suppressed right now.

These pro-Germans and their henchmen, who are talking with traitors' hearts, endeavoring to pour the poison of disloyalty into the ears of the people, and, while doing this, outwardly pretending to be patriotic, should be arrested and put in jail or sent into the Army to fight for our liberties. [Applause.] Why should we not pass this pending military measure that the Senate passed 1 month and 11 days ago? My good friend, the gentleman from Nebraska [Mr. SHALLENBERGER], says that he wants an army of 10,000,000 men. We can not now get an army of that strength ready and trained over across the seas. If he wants an army of 10,000,000 men, why does he object to this proposition? The President of the United States said on the 5th day of June, 1917, 10,000,000 Americans between 21 and 31 years of age volunteered en masse to serve their country. We are going to bring out a bill from our committee in a few days that will volunteer 1,000,000 more who have reached the age of 21 since that day, and 1,000,000 consecutively each year thereafter. My good friend from Nebraska knows that under this bill we have here now we take, all the way through from California to Maine and from the Gulf of Mexico to the Canadian line, every man between 21 and 31 years of age in class 1, regardless of what State he is in, providing, my friends, that

man has no dependent family on him; providing that man may have a wife and children but he does not support his family, but his family supports him; providing that man is a single man supporting no dependent mother nor orphan sisters; the idler, the man around who does nothing for the country; the man who is unessential to industry; the man who does not produce food for the support of somebody. Those are the men who are going to be taken in class 1 all over this Republic, and who objects to that? Do not you think that a man who has no encumbrance upon him, as old Caesar said, who has no "impedimenta" upon him, is the man who should be first called upon to volunteer under this law and go fight for the liberty and the civilization of the country? I do not want to go into the humble home and take the poor citizen, the husband who has a wife and four or five little children around his hearthstone, for whom he must go out and labor and support, but I want to take the single man; I want to take the married man who is too trifling to support a wife and children. [Applause.]

I want to take the man who allows his wife to work in a factory or teach school and support him in idleness. I want to take the class of parasites, my friends, who are not in the productive activities of this Republic, and the War Department has given you a bill which will do this thing. After we take them we may need more men. When we need them, we are going in and take the others of classes 2, 3, 4, and 5. We will take them all, if it becomes necessary, in order to win this war and save our Nation.

I want to say to my good friend from Nebraska [Mr. SHALLENBERGER] that having only class 1 this bill provides that we take the ones which can be best spared, which will be more than a million men a year, and that is all that we can get over to Europe with the shipping facilities which we now have in sight. If we raise an army of 10,000,000, what good could the gentleman's amendment accomplish, as it is plain all of the men in all the five classes would be drafted?

And I believe, like he does, that this war must be won by the man with the rifle and a bayonet on the end of it. You can not win this war with these aid societies and automobile drivers. You have got to win this war by men in uniform, with bravery in their hearts, who have got the bullets in their rifles, marching over the top and shooting the devil out of the Germans. [Applause.] That is the man who is going to win this war. Of course we need such side issues as aeroplanes, and such as that, but you have got to come down to the practical sense which has recently been demonstrated on the battle fields of Europe.

Mr. HAMLIN. Will the gentleman yield?

Mr. QUIN. I have not the time.

On the western line, when old Von Hindenberg set that army of trained Dutchmen and Hungarians and Austrians marching across with rifled bayonets in their hands, he drove back the bravest army the world ever saw. You do not believe that these English and French soldiers fell back because they were cowardly. Artillery did not drive them back. It was the Dutchmen with rifles and bayonets on them.

My friend from Nebraska said that we can not adopt this bill which the War Department has put over here and raise the men. Do you believe that Gen. Crowder would be such a blatant fool as to want to reduce the capacity of the Government to raise an army?

Mr. NICHOLLS of South Carolina. Will the gentleman yield?

Mr. QUIN. I have not the time.

Do you believe, my friends, that any one of the war officials would want to get less soldiers? Why, this bill is to get more soldiers. This bill puts it up to this Congress to get more soldiers who can be most easily spared from the plow and other industries. Here we are engaged in this desperate conflict, on the plains of Picardy, around Toul, Arras, Montdidier, and Amiens, and some fear from this discussion one State might be called upon to furnish a few more over its quota. Nonsense. This is the Nation's war. It is not the war of any particular State.

The men are in this Republic. This pending measure reported by our committee will draft the ones who ought to go first. We can raise an army of many millions, beyond a question, and at the same time we will develop the list of activities and industries and everything that will keep this country with all its industries humming, with all the fields growing grain, with all the meadows growing live stock, with the war-munition activities in full operation, and at the same time have the men in camps and training, on the seas and on the battle front yonder in Europe, killing Germans. You can not be mealy-mouthed and talk in Sunday-school language about not fighting in this war. This is a war, and a hell of a war. [Laughter.] And we may just as well wake up to it, and let our people back home know

it. No man now should come up and talk about not wanting to fight. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. QUIN. Will the gentleman from Kentucky give me two or three minutes more?

Mr. FIELDS. I am sorry, but my time is all taken.

CORRECTION OF ROLL CALL.

The SPEAKER. This morning when we had up the squabble about Mr. Creel, things got mixed up a little. In the first place, the clerks, although there were three of them doing the counting, got the count wrong. Anyhow, the vote was announced in such a way that it gave one majority against the motion to table. It turns out they made a mistake of one; and they went out and corrected it. If it had been counted as it ought to have been, there would have been one majority for tabling. At the same time the gentleman from Massachusetts [Mr. FULLER], who had answered "Present" when the roll was being called, asked to change his vote to "nay." The Chair, under the impression that he was one of these gentlemen who come in here after everything is over and ask to be recorded as "present," said that he could not vote. The Chair has examined the authorities thoroughly, and finds that he is entitled to vote, and the Chair ordered the Clerk to record the vote as "nay." And, by a curious turn, that restores it to exactly the way the vote was announced to start with. The only reason the Chair did not let him vote at last was because the gentleman from Kentucky [Mr. SHERLEY] impinged, and we had a sort of interlocutory performance, and by that time the Chair had forgotten it. It seems to the Chair that the Committee on Rules ought to take those propositions and fix a rule that is as clear as day on the subject. As I stated this morning, the only reason the Chair permits these gentlemen to come in here and vote "present" after the roll call is over is because, in ascertaining if a quorum is present, he has a perfect right to count them.

Mr. STAFFORD. Mr. Speaker, the vote was being taken on the demand for the yeas and nays, and not on the question of no quorum being present.

The SPEAKER. The only reason for which the Chair can count a gentleman who is sitting in his seat and does not respond is in order to make a quorum.

Mr. STAFFORD. Even if they are present, after their names are called twice they are not entitled to be recorded as "present."

The SPEAKER. I know; but since they gave the Speaker the power to count those present and not voting, it seems ridiculous not to let them answer "present."

Mr. GARRETT of Tennessee. Mr. Speaker, I think there is a very clear distinction between the roll call and the demand for the yeas and nays coming under the rule and a roll call when the point of no quorum is made.

The SPEAKER. I think that is correct.

Mr. GARRETT of Tennessee. And I really think the rules are clear upon that. The Speaker has the right, of course, to count only in the event that the point of no quorum is made.

The SPEAKER. Yes. The Speaker never can tell when the roll is called that there is a quorum until the vote is announced.

Mr. GARRETT of Tennessee. The Speaker does not have to determine that. The Speaker always determines that in advance; that is, upon the point of no quorum being made.

The SPEAKER. That is right. The way the vote was first reported by the Clerk was—yeas 165, nays 165, present 10. The way they got it when they went out and carefully went over it was—yeas 165, nays 164, present 10, and the Fuller vote restored it to where it started.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS.

Mr. NICHOLLS of South Carolina. Mr. Speaker, I yield 15 minutes to the gentleman from Iowa [Mr. HULL].

The SPEAKER. The gentleman from Iowa is recognized for 15 minutes.

Mr. HULL of Iowa. Mr. Speaker, this is a very happy occasion. There seems to be no difference of opinion between the majority and the minority except as to the best way to raise an army large enough to whip the Kaiser.

I deem this resolution in its present form unjust to my district, unjust to the State of Iowa, and unjust to all those other great States that have responded so nobly to the call to arms. In its present form it practically repeals the original conscription law, under which we have already built up a great Army. It wipes out the fundamental principles of many of the important features of this law and it takes away from the various counties and States rights and privileges already granted them and under which they have been doing their utmost to provide an army for the Nation.

When the conscription plan was agreed upon, it met with little opposition either in the committee or in the House. Both those who were for volunteers first and conscription afterwards and those who wanted only conscription, agreed absolutely on the provisions of the conscription law as it is now, and it was so placed in the bill when reported to the House nearly one year ago. There were some of us at that time who thought that a volunteer army should have preceded conscription—who believed that an army of older, hardened fighters, such as Theodore Roosevelt, would have collected, should have been given an opportunity to go first. We thought they could have been put on the battle line quicker and would have created greater enthusiasm. However, in the wisdom of this Congress this plan was rejected, and since it was enacted into law the conscription act has received the hearty support of every loyal citizen in this country. It has been administered with excellent justice, and I congratulate the President of the United States and the Secretary of War upon their equitable plan of selecting those who were to be our first National Army fighters.

The conscription bill was a promise to the American people that any county or State should be given credit for the men within their confines who enlisted in the Regular Army or the National Guard. In some counties and in some States the enthusiasm for this war was much greater than in others and, as a result, a much larger number of men voluntarily enlisted. These men were anxious to fight, they were able to arrange home ties so they could go at once, and they went. I congratulate the War Department that the promise in this conscription bill has so far scrupulously been kept and that each county and each State has been given credit for that advance guard that preceded the assembling of our National Army. In providing a fighting force for the United States, most of the counties and most of the States have acted in good faith on this promise that was made, and it seems to me that if we pass this resolution in its present form we are breaking faith with the people and in so doing we will work a great hardship upon those communities that have responded so loyally to the original conscription plan. In many instances communities will be forced to send several times the number of men to camp when the next draft comes that they would have had to send if those who went first had not voluntarily given their services to their country.

The second congressional district of Iowa patriotically furnished to this Nation 10 organized units of National Guardsmen and many times its quota of Regular Army enlistments. The State of Iowa enlisted four times its quota in the Regular Army and the National Guard. We have received credit already for these enlistments. You now propose in this resolution to take those credits away and compel us to furnish, in addition to our regular future men liable for military service, the number of men that we have already been given credit for as going out in the Regular Army or National Guard as volunteers. This makes an "Indian giver" out of your Government.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. SLOAN. I am interested in that remarkable statement that the gentleman is making. How can we recall credits which the Government has already conferred by way of credit for these voluntary enlistments?

Mr. HULL of Iowa. I am very glad the gentleman asked that question. That is one point that is hardly understood. It is a hard one to understand. But it is true that you take back what you have already given. I called the attention of the Secretary of War to this and he did not deny it, and I am not going to try to debate it in my own words; but I am going to tell you what the Secretary of War said on that very point, because he caught the idea at once and he was fair enough to admit the truth of it, and he put it in better words than I can. I read from the hearing:

Mr. HULL. In regard to changing the quota, is it not true, Mr. Secretary, that if you change the quota, to a certain extent the law becomes retroactive? For instance, in our State there are certain counties which, owing to the enlistments in the National Guard, for which they are given credit, had enough men in the Army so that there were no men taken in the draft at all. They have a larger proportion of people in class 1 than would have been left if they had not had those enlistments in the National Guard. If you take away those credits they would go right back and take those boys. Is that not true?

Mr. GORDON. Is there not an error in your statement that there is a larger quota in class 1 because a larger proportion enlisted?

Secretary BAKER. The persons who enlisted must have been wholly outside of the draft age or they would have been originally in class 1.

Mr. GORDON. But if everybody in the draft age had enlisted in the National Guard I do not see how you can say it would have that effect.

Secretary BAKER. It would depend upon whether your enlistment in the National Guard meant the enlistment of men who would have otherwise been in class 1.

Mr. HULL. Usually they were not, and that leaves the men in class 1 in there.

Secretary BAKER. I am not sure of that; but I should think it would be practically true everywhere.

Mr. HULL. The point is this, that men in some communities enlisted in the National Guard and men in other communities did not. They have already received their credits.

The CHAIRMAN. They will not receive credit if this resolution is adopted. That part of the draft law will be repealed if this resolution passes; Gen. Crowder admits that.

Secretary BAKER. They have received credit, and there is no express repeal of that part of the law. But I think Mr. Hull is right; that in communities in which men beyond the draft age enlisted in any large numbers it will have the effect of increasing the size of class 1, and therefore increasing the quota basis. I do not know how large that will be.

Mr. GORDON. We passed a military bill which fixed the age for service between 21 and 31 years, inclusive. Because persons outside of that age are enlisted, would the same rule apply in crediting quotas?

Secretary BAKER. No; but what you did, Mr. GORDON, was this: You passed a law which fixed the draftable age from 21 to 30 years, and you fixed the National Guard age from 18 to 40 years, and then provided that to the extent that persons from a State volunteered in either the Regular Army or the National Guard that should be credited on its quota.

Let us take Ohio, for example. Suppose 10,000 persons in Ohio between the ages of 30 and 40 years volunteered in the National Guard. When we came to the draft in Ohio, we credited Ohio with 10,000, and that exonerated an equivalent number of persons who would have been between 21 and 30 years if we had relied solely upon the draft in that State.

When the second draft comes, the number of Ohio's quota will depend not upon those who have previously gone into the military service, but upon the total number of persons in class 1 in the State; and then all the persons previously exonerated because somebody else volunteered, being in class 1, become a part of the basis upon which the assessment of that State is based, and so the limitations of that State are increased.

Mr. GORDON. Could not an amendment be included in this resolution that would cure that?

Secretary BAKER. The original law gave credit.

Mr. KAHN. The law gave credit for those who had volunteered.

Secretary BAKER. Why would you not accomplish the whole purpose if you say that the basis shall be the number in class 1, but there shall be credited to that—use the language of the old law, giving credit for the number in class 1?

Does the gentleman understand?

Mr. SLOAN. I see your drift.

Mr. HULL of Iowa. Then Secretary Baker asserted that this bill ought to be amended, saying:

We all agree that if this rule in the joint resolution had been proposed from the beginning it would have been a wiser rule. The only question now is whether, in view of the fact that we have already started on the other, we can fairly change it now.

Now, that is the contention of myself, at least, and I think most of the minority Members on this bill contend that it is unfair to change this plan after you have started to form an army under the other plan. Right here I want to call your attention to the following letter which I received from the governor of Iowa:

COMMONWEALTH OF IOWA, EXECUTIVE DEPARTMENT,
Des Moines, April 4, 1918.

Hon. HARRY E. HULL,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have done everything possible from this end of the line in an effort to convince the War Department that the proposed plan of apportionment will be inexcusably unfair to Iowa.

I know that you will not cease in your endeavor to secure a square deal for this State, and trust you will be able to get the other members of the Iowa delegation to view the matter in the right light.

With sincere personal regards, I am,

Cordially, yours,

W. L. HARDING.

I understand also that the President of the United States has made a statement to the effect that, inasmuch as this conscription plan was drawn and operated with the promise that counties and States should be given credit for volunteer men, there was grave doubt that it should be changed at the present time.

Let me call your attention to another grave objection to this proposed legislation. Heretofore our boards of registration were for this one purpose only, but this resolution practically makes exemption boards of them. They were never intended as such; they were not notified that they were to act in this capacity. Is it right to hold them responsible for acts that they did not know they were to perform? And the result shows that nearly every board has placed a different interpretation upon the law, and that exemptions have varied accordingly.

Another grave defect in this resolution, in my opinion, is the fact that it abolishes county and State quotas; in other words, it does not equally distribute the burden of this war. Counties and States who have interpreted the conscription law strictly, and thereby placed large numbers of their men in class 1, will be penalized under this provision. Under this law the State which has been lax in providing sufficient men will shift the burden to the State which has been diligent in so doing. Why should Iowa provide men to make up Connecticut's quota, or vice versa? Because Massachusetts exempted a large number of men and Michigan, perchance, did not, why should Michigan men go into Massachusetts camps to make up its quota? Because some counties in my district held every man available, why should they necessarily send

men to make up some other county's quota? That is what this resolution provides. It is a sad feature that complete statistics of the number of men in each State placed in class 1 and the percentage in respect to the total registration are not available. In fact, that is one objection to the passage of this resolution at this time. It seems to me that we should not pass a matter of this importance until we have all the information we could secure. Admittedly, we are sadly lacking in this instance. Practically no States are complete, and I am satisfied that not 50 Members of this House know the figures from their own district.

However, I can give you some figures from my own State showing the enormous discrepancy in the percentage of registrants who were placed in class 1. For instance, in the second district of Iowa 13,294 registered, and of these 4,200 were placed in class 1, 31 per cent of the entire registration. In the eighth district of Iowa 14,398 men registered, and only 2,959 were placed in class 1, just 20 per cent. In other words, the eighth district of Iowa had 1,104 more registrants than the second district, while the second district placed 1,250 more men in class 1. Under the original conscription law the eighth district would be compelled to furnish more men than the second, but under the proposed law, when the eighth district had exhausted its supply of men in class 1 the War Department would have the authority to make up its quota from the men in class 1 in the second district. I think you can readily understand the injustice of this.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. HUSTED. What has the gentleman got to say as to the practical difficulties which Gen. Crowder refers to in making allowances for voluntary enlistment?

Mr. HULL of Iowa. There has been no difficulty at all.

Mr. HUSTED. As I understand it, Gen. Crowder says there has been great practical difficulty in making these allowances, and that is the reason for the legislation.

Mr. SLOAN. They have men there who keep track of it, and I understand they have done it correctly.

Mr. NICHOLLS of South Carolina. I should like to ask the gentleman if a record is not kept in the War Department of every man who enlists or volunteers, so that they know exactly where he is?

Mr. HULL of Iowa. Why, certainly. Now, let me call your attention to a discrepancy in counties: Muscatine County, in my district, registered 2,671 men, and of these 1,002 were placed in class 1—38 per cent of the total; Louisa County, which adjoins Muscatine County, registered 1,025 and placed only 230 in class 1—22 per cent. Under the proposed resolution Muscatine could be made to fill out Louisa County. I deem this unfair.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. JOHNSON of Washington. Has any effort been made, or is any effort being made, to bring the figures up to an equality in the counties where they have been unequal?

Mr. HULL of Iowa. I understand there have been warnings sent out, but I call the attention of the gentleman to this fact, that after a man has been once placed in one of these classes it is a very hard thing to get him placed elsewhere.

Mr. JOHNSON of Washington. It is possible, however, to bring a man up out of class 2 into class 1, is it?

Mr. HULL of Iowa. I presume that it is possible, but I do not know where the law is for doing that.

Mr. FIELDS. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. FIELDS. I will say for the information of the gentleman that the Provost Marshal General informs me that in every case where, on the face of the return, it appears that there has been favoritism, the board has been ordered to re-classify.

Mr. HULL of Iowa. Oh, I understand that. That has all been gone over. The trouble is that the statement put out by Gen. Crowder in to-day's paper is camouflage pure and simple.

Mr. ROGERS. Has the gentleman any information as to whether there has been a tabulation by States?

Mr. HULL of Iowa. I have one or two States here. If the gentleman will let me go along I will tell him about that.

Mr. ROGERS. A tabulation showing the classification into the different classes?

Mr. HULL of Iowa. Yes. Clinton, a city of the second district, placed over 35 per cent of her registered men in class 1; Cedar Rapids, in the fifth district, placed only 23 per cent of her registered men in class 1. If the same rule had been followed in Cedar Rapids as was followed in Clinton there should have been 482 more men from Cedar Rapids. Is it a square deal to ask Clinton to make up what Cedar Rapids has exempted

through a different interpretation of the rule? Waterloo, a rival town and in every way similarly situated, has placed 42 per cent; or, in other words, Cedar Rapids, with 4,000 registered, placed only 958 in class 1, while Waterloo, about 50 miles northwest of Cedar Rapids, placed 1,554 out of 3,715 registered, or nearly twice as many men are to be called from Waterloo as from Cedar Rapids, although Cedar Rapids apparently is a larger town. Can anyone explain why Waterloo should be forced to help Cedar Rapids make up her deficiency?

Mr. GOOD. The gentleman has referred to Cedar Rapids as having a comparatively small number in class 1. I will say to the gentleman that there is a little college in Cedar Rapids that sent 160 men, every man of them a volunteer, and every one of whom would have been in class 1. Instead of that they are placed in class 5. The young men of Cedar Rapids enlisted in such numbers that, of course, it reduced the number in class 1. So when the call came not a man was drawn from Cedar Rapids, because the patriotism of that town was such that her boys had enlisted and had not waited for the draft. That is the reason.

Mr. HULL of Iowa. I will say for Cedar Rapids that I know the people of that town. I lived there myself. I was raised there, and I know the people, and they would feel humiliated at the idea of having Waterloo send any men to war in the place of men that Cedar Rapids ought to furnish.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHALLENBERGER. I yield to the gentleman two minutes more.

Mr. HULL of Iowa. I want to say that Cedar Rapids would furnish her quota, but the trouble comes from the false interpretation of the rule and the difficulty that it is going to create.

Hardin County, in the third congressional district of Iowa, out of 623 registered placed 547 in class 1, or 87 per cent. Wayne County, in the eighth congressional district of Iowa, a very similar county, south of Hardin, out of 1,196 registered placed 180 in class 1, only 15 per cent. Could anyone ever convince the Hardin County farmers that they were treated fairly when, after furnishing all this fighting force, they were compelled to make up a deficiency in Wayne County?

Let me give you another illustration showing a State discrepancy. According to Gen. Crowder—figures not complete—South Dakota registered 54,103 men; of these 20,423 were placed in class 1—43 per cent. Rhode Island registered 51,648; of these 13,216 were placed in class 1—25 per cent. Under the proposed resolution when Rhode Island had exhausted the men placed in class 1 the men in class 1 in South Dakota would be taken to make up Rhode Island's allotment.

Mr. SIEGEL. Will the gentleman yield?

Mr. HULL of Iowa. I have but two minutes.

Mr. SIEGEL. The explanation is that the men of Rhode Island and the East have gone into the Navy, and they will perhaps go to class 5.

Mr. HULL of Iowa. I have heard a much better explanation than the gentleman gives, and that is that the East took the Army contracts, and they filled their munition factories with their young men, and they want to pass this law in order to exempt them. That is the real truth of the matter. [Applause.]

Mr. SIEGEL. I have the figures right here.

Mr. HULL of Iowa. Figures prove nothing in this case. I have no time to yield further. I decline to yield. Let me make another State comparison. According to the figures furnished by Gen. Crowder, Utah, with 40,040 registered, placed 8,873 in class 1, or 22 per cent. Wyoming, with 21,211 registered, placed 8,546 in class 1, or 40 per cent. Is there any Member of the House of Representatives who can explain why Utah, nearly twice as large, should furnish only as many men as Wyoming? I presume the answer to this will be that Gen. Crowder can be depended upon to see that these communities do their duty; but why should this Congress repeal a good law in order that Gen. Crowder can reenact it by rules and regulations?

This Nation must have a great army; anywhere from five to eight million men must stand ready at our call. If you will let the conscription law alone and not try to tinker it, this law will produce an army of 4,000,000 men from those now registered. This, with the number of young men who will come into class 1 when the boys arriving at the age of 21 years are enrolled, and with the present enlisted Army, will make a grand total of over 6,000,000 men. To do this, however, you must ask every community to furnish every man that should have been placed in class 1.

In looking over the figures that we have already received we find that some States have placed 40 per cent of their men in class 1: any number of counties have done the same thing. Surely with these figures we can safely say that 40 per cent of those registered in the entire country should be held liable for military service.

We should all stand loyally behind the President, Commander in Chief of the Army—give him the best laws that we can in order to raise money and men. It is my best judgment that it is a better plan to follow the present law and expect every community to abide by it, than it is to let the idea get abroad that because the board has failed to place the men in class 1 that it should it has thereby avoided that community's liability for furnishing men to make up this army.

Iowa is practically a farming community, and any change in the law by which Iowa has to furnish more men than her share is to just that extent reducing the number of farmers. A good farmer is a skilled worker and should never be taken in order that any man in some other community working in a munition factory should be exempted as a more useful citizen than the Iowa farmer. Imperial Iowa asks no favors. She will furnish her share of money, much more than her share of food products—more than any other State—and is willing to furnish to the last drop of blood the number of men that she should in proportion to the population or those found liable for military service. All she asks is to be treated on the square, that the Government scrupulously keep its promises, and when Iowa has done her duty this Government hold rigidly to the line and say to any who hold back, "Look at grand old Iowa. Go thou and do likewise." [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. FIELDS. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I am impressed with the seriousness of the situation that confronts the country at this time. I am not concerned with the question whether this or that district provides more men for service for the country, when the country needs their service and needs it urgently.

Mr. NICHOLLS of South Carolina. Will the gentleman yield?

Mr. SLAYDEN. It will be impossible for me to get through in 10 minutes, unless the gentleman can give me more time.

Mr. NICHOLLS of South Carolina. I am sorry that I can not give the gentleman the time.

Mr. SLAYDEN. Mr. Speaker, I represent a district of more than 300,000 people, and while the majority of my people in my opinion would have preferred the volunteer to the draft system, there has never been a whimper from one of these 300,000 people. I have never had any communication or protest of any sort against the way the law was enforced, nor, although it has been discussed in the newspapers, has there been any complaint of the proposed law, the wisdom of which I believe in.

Of course, this suggested amendment to the draft law comes from the War Department. It deals exclusively with a military question, and we must assume that it is the matured, well-considered view of our military experts as to what is necessary to win the war as quickly and completely as we all hope to see it won.

That is the great task to which our hands are set, and those of us not trained in such matters should not reject the advice of military and naval experts on purely professional questions without being absolutely certain that our own contrary view is the right one. It is generally understood that this proposal originated with Gen. Crowder, the Provost Marshal General, a man whose judgment I greatly respect.

I was originally opposed to the conscription law, and I am not in love with it yet; but it is law, and as such I shall respect it and will do all I can to make it as effective as possible. It is a tool to be used in the prosecution of the war, and we should use it as intelligently as possible to put an end to the horrors of war and to try to save liberal government from the tyranny of militarism.

This resolution impresses me as an effort to justify the word "selective" as it has been used in connection with the draft. The selection should be intelligently done and not left to chance, as it is when a blindfolded boy, by taking a numbered disk from a box, says who shall serve. That process is fair as between the individuals whose numbers are in the box, but it is not intelligent.

Certainly it is better for society at large to take a man who has no wife or child or parent or other person dependent on his earnings than to take one with either of these responsibilities. It is a lot better to take a man who is an unskilled farm laborer than to take one who knows all about the cultivation of the soil and the planting and harvesting of crops at a time when all the world is clamoring for food.

Every man in the country between 21 and 31 years of age is liable to military service, and under the authority given the President by Congress may be called to service. Is not it better to first take those who by reason of their age and social relations can be taken with the least disturbance of the social

order? And is not it right before the actual work of selection begins to quietly sit down and divide all availables into classes as the Provost Marshal General has done? It insures a better selection and expedites the work, and every day we are con-jured by our allies and our own newspapers to hurry.

That this new plan departs from that first adopted is not of great importance. We learn by experience, or we should. There is nothing sacred about the original plan of taking registrants from the States and Territories on the basis of population as ascertained by the census of 1910.

Nor is the law as it stands entirely fair. As the report submitted by Mr. FIELDS says, some States, or communities, to use his own language, have decreased in population while others have increased. A moment's reflection will convince anyone that where that is the case the community that has lost population will be unfairly forced to send a disproportionate number of its young men to war, while the community that has increased its population will not contribute a fair quota to the Army. Aliens, unless they happen to be enemy aliens, will not be forced to leave the country, and under the law as it is to-day can not be put into our Army or Navy. Thus, communities that have an excessive alien population can go on with their ordinary industries, their opportunities to prosper being made secure by the sacrifices of Americans from other and less prosperous sections. This resolution will correct that situation, partially at least.

The fact that trained, experienced farmers and expert mechanical and industrial workers are placed in class 4 appeals to me as a wise provision of the proposed law.

There is an embarrassing shortage of both classes, and it is necessary to keep both employed in the particular sort of labor for which they are best suited if we are to keep our armies properly fed, clothed, and armed. A few days ago I read in a county weekly newspaper a story of the departure for camp of 42 drafted men, of whom 28 were farmers, and that in a county that is embarrassed by a labor shortage.

I am not impressed by the argument of the minority that the proposed change in the law will give the military authorities control of the bodies of 9,000,000 of our citizens. We will be fortunate if it does not control twice nine million men before the war is ended. To save its life the country can command the lives and fortunes of all our people. We may yet be forced to advance the age limit to 50 or more, as our powerful enemy has done, as Great Britain is doing, and as France, the only great Republic in Europe, has been compelled to do to preserve the liberties of her people.

Let the American people understand what is expected of them in the war, and they will respond freely, spontaneously, completely. I refuse to believe that there are more than a negligible number of people in the country, even of foreign birth, of Teutonic origin, if you please, who are not loyal to the American Republic.

Immigration from central Europe to our country has been relatively unimportant for 20 years. Those who came earlier are loyal as are their sons, who volunteered in large numbers, and who have, in the main, responded uncomplainingly to the draft. They are doing their duty in other respects, also.

The San Antonio Daily Express that reached me this morning contains three news items of unusual interest. Two are from Comal County, which was settled by a German colony in 1845, and one from my own county of Bexar, and all tell about the enthusiastic support of the liberty loan. And, by the way, these subscriptions were made on the 5th of April, the day before the loan was officially on the market. If there is any special distinction or reward of any sort, for being first in the country in the way of subscriptions I now formally file the claim of Comal County for that honor.

Let me read you these news items:

NEW BRAUNFELS, TEX., April 5.

All business houses were closed two hours this morning to give everyone an opportunity of attending a liberty-loan rally at the courthouse. An enthusiastic meeting was held; a number of local speakers, with convincing arguments, told of the need of every citizen doing his utmost to aid this loan and carry Comal County "over the top." Every preparation has been perfected for launching the great drive on the opening day.

A later telegram of the same date says:

NEW BRAUNFELS, TEX., April 5.

New Braunfels and Comal County have gone "over the top" in subscribing \$125,000 to the third liberty loan. This amount was wired the Federal reserve bank to-night by two local banks, oversubscribing the county's quota by nearly \$1,000.

Gov. Hobby has offered a silk flag to the first county subscribing over its quota. Comal County lays claim to the prize.

That subscription represents about \$15 each for the population of the county.

Another encouraging fact reported in the same paper is that the Sons of Hermann, a benevolent and social organization, sub-

scribed for \$10,000 worth of the bonds, having placed the order with a Texas bank before the bonds were on the market.

I will print that item also, for it may help to calm the minds of some excited and unjustly suspicious people who forget that all the population of our country, except the native Indians and the descendants of Africans, are of European origin, and that names, whether English, French, Spanish, or Teutonic, only suggest origin. They forget Frederick Augustus Muhlenberg, the preacher, patriot, and statesman, who was the first Speaker of this House, and his brother Peter, also preacher, patriot, and statesman, who served in the First, Third, and Sixth Congresses. Their names would bring them trouble now if they lived in some States.

Karnes County, in a district where crops have failed for two successive years on account of drought, oversubscribed its quota by 10 per cent on the 6th. It took no driving to make the people of Karnes do their duty.

Mr. Speaker, I submit these facts as an appeal for tolerance, justice, and union. Let us all pull together in facing a powerful and common enemy. Let us learn the lessons of the casualty lists where Teutonic names appear with English and French names. From my district young men who are descendants from these early German colonists in Texas have died on the field of battle fighting for the liberty typified in the American Republic. Some of them lie buried on the bleak seashore of Scotland or in the waters that wash those shores, victims of the submarines.

Greater love hath no man than this, that a man lay down his life for his friend—or for a cause. [Applause.]

SONS OF HERMANN BUY \$10,000 WORTH LIBERTY BONDS; MAY BUY MORE IN SAN ANTONIO.

Alfred W. Rhode, secretary of the Hermann Sons' Home Association, of this city, has received a letter from the grand president of the order of the Sons of Hermann of Texas, Julius Schramm, of Granger, stating that he had just placed an order for \$10,000 worth of the third issue of the liberty bonds with the Taylor National Bank. Mr. Rhode knew of the contemplated purchase by the grand lodge and wrote to the grand president with a view of having the order placed here in San Antonio.

He stated further in his letter that he would take a trip to San Antonio in the near future and may purchase another \$10,000 of these bonds in San Antonio while here.

Mr. SHALLENBERGER. Mr. Speaker, I yield 15 minutes to the gentleman from Virginia [Mr. HARRISON].

Mr. HARRISON of Virginia. Mr. Speaker, the difference between the resolution and the Shallenberger amendment does not involve the size of the Army. Neither resolution nor amendment adds a single soldier to the number now authorized. Nor does the Shallenberger amendment affect the classifications of the questionnaire, in so far as the classification pertains to the relative military duty in a community between the registrants thereof. To this extent the Shallenberger amendment carefully preserves the five classes. The radical difference between the two propositions in principle is that the Shallenberger amendment seeks to fairly distribute the burden throughout all sections of the country and requires each community to bear its fair share of military service. The original resolution seeks to obtain the soldiers without the slightest consideration as to the duty of the several communities.

As the gentleman from Nebraska, Gov. SHALLENBERGER, has so well said, the real burden of this war falls on the fighting men, and the real burden of the war falls on the community that furnishes the fighting men. Whatever burden a community must carry, the real burden is the contribution it makes of man power to the firing line. If you believe that this burden should be equitably borne by each community, with a relative duty amongst the registrants fixed by the classification of the questionnaire, you will vote for the Shallenberger amendment. So many people—so many fighting men. The draft law prescribed the distribution of this burden amongst the communities by population. In some communities owing to the alien population congested there this worked an undoubted hardship, but the hardship was very much localized. It was only in a few spots. The Shallenberger amendment preserves the principle of population, but corrects the irregularities justly complained of. The registrants represent the population, and the inequalities are corrected by excluding aliens and those not liable for military duty.

By adopting this method not only is the burden fairly placed but there is no possibility of the local boards escaping the responsibility of making a fair adjustment of the relative liability between registrants of their community. Under the so-called resolution of the War Department the temptation will be for each board to relieve its own community at the expense of some other community. This has been called a War Department measure, but I can not conceive how that can be called a War Department measure when the Secretary of War himself condemns it in an important particular, and when the Presi-

dent himself, as I understand it, has condemned it in a like manner. I have the testimony of the Secretary here showing that in the principle, the very radical principle, that I am contending for he stands with the minority, and I shall read his testimony on that point. He says:

The actual population of any place in this country is indeterminate or undeterminable by anybody's guessing, and if we can find a rational way to relate it to the Army, comparing the liable population of communities without doing injustice by reason of anything that has already gone on, I should think that would be highly desirable.

In other words, the Secretary of War has said to this Congress that if you can find a method by which this quota can be apportioned to those liable for military duty, he will stand for it. We claim that the proposition made by Gov. SHALLENBERGER meets that very requirement. He provides that all these registrants in all these classes shall be counted as liable to military duty, and that the quota shall be based in any community upon the number that are liable to military duty. Then, too, the Secretary has said credit should be given for volunteers. As I say, I do not see how it is possible to call this an administration measure when it is condemned in an important particular by the Secretary of War himself. Another thing I desire to direct attention to. This bill was framed by a gallant old soldier who evidently had in his mind simply and only the sole consideration of how he was going to get men for his armies, and he gave very little consideration, I think, to anything else. I have his testimony, which I would be glad to read here. The question was, On whom does the burden fall—on what community? It falls on the rural communities; it falls on the farmer. That is what Gen. Crowder says. In his testimony he says:

There is another thing to be taken into consideration. Class 1 ought to be uniform; that is, the same proportion of citizens ought to go into class 1 in all States, except where skilled labor must be considered. Skilled labor is not generally found in rural communities; it is always found in urban communities. Class 1 in the urban communities is not going to be quite as large as it will be in rural communities, because there are a greater proportion of skilled men found in class 2.

You might say at first that there the rule would work inequitably in transferring the burden to the rural population, but I do not think it will operate in that way, because I have to invade the deferred classes for skilled men. We shall have to take the men right out of classes 2, 3, and 4, where they can be found, in order to fill these special requisitions. So there is a compensation there that ought not to be lost sight of.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. HARRISON of Virginia. Yes.

Mr. KING. What I would like to know is this: Has the President of the United States requested that this legislation be adopted without amendment?

Mr. HARRISON of Virginia. He has said that it ought to be amended.

Mr. KAHN rose.

Mr. FIELDS. Mr. Speaker, I think the gentleman ought not to make a statement of that kind without giving authority for it.

Mr. HARRISON of Virginia. I give as authority a letter which I understand the President wrote to the chairman of the committee.

Mr. FIELDS. I think the letter would not bear out the gentleman's statement.

Mr. HARRISON of Virginia. Does not that letter distinctly say it should be amended in so far as giving credit for volunteers is concerned?

Mr. FIELDS. I recall in referring to one point that it said the question was debatable, but the President was inclined to think the War Department's side of it was right.

Mr. HARRISON of Virginia. Not as to giving credit.

Mr. KING. Mr. Speaker, will the gentleman yield again?

Mr. HARRISON of Virginia. Yes.

Mr. KING. Can the gentleman secure that letter and have it put in the RECORD as a part of his remarks?

Mr. SHALLENBERGER. Mr. Speaker, if the gentleman will permit, I will say that the chairman of the committee has the letter, and I understand it is going to be put into the RECORD so that there will be no question as to what the President said. I want to explain, for Mr. HARRISON's benefit, one thing. He has stated the general proposition that the President thinks the bill should be amended so as to allow credit for volunteers, but upon the other side of the question, including the proposition to base the quota that I propose, he says it is a debatable question, and he rather leans the other way.

Mr. SAUNDERS of Virginia. I think my colleague yielded to me.

Mr. HARRISON of Virginia. Yes.

Mr. SAUNDERS of Virginia. The gentleman says that Gen. Crowder states that class 1 is going to be larger in the rural than in the urban communities?

Mr. HARRISON of Virginia. Yes.

Mr. SAUNDERS of Virginia. Does not that come about in this way, by an arbitrary ruling on the part of Gen. Crowder

that men who spend their lives in the profession and pursuit of agriculture are not skilled laborers in that respect?

Mr. HARRISON of Virginia. Yes; that it was unskilled labor in the country.

Mr. SAUNDERS of Virginia. And that men who have spent their lives in that particular work are not skilled laborers as a result of it?

Mr. HARRISON of Virginia. The Army view is that the labor of the country is generally unskilled.

Mr. SAUNDERS of Virginia. And as a result of that ruling class 1 is made bigger in the rural than in the urban communities?

Mr. HARRISON of Virginia. Surely.

Mr. BURNETT. Will the gentleman yield?

Mr. HARRISON of Virginia. I will.

Mr. BURNETT. I would like to understand what is meant by the War Department. It seems the gentleman from Kentucky [Mr. FIELDS] thinks that the War Department is some general or other, and not the Secretary of War. He tells of what the War Department wants, and when you come down to it, it is nobody but some general, Gen. Crowder or somebody else, and I would like to have settled the question as to who is the War Department.

Mr. HARRISON of Virginia. He will have to do that.

Mr. FIELDS. If the gentleman will permit, the Provost Marshal General is the man designated by the War Department to carry into execution this draft law, and is responsible for raising the Army.

Mr. BURNETT. That is what is meant by the War Department, is it?

Mr. GORDON. He is an executive officer; he is not responsible.

Mr. HARRISON of Virginia. Now, gentlemen, I want to tell you when you go back to your homes and investigate how this thing is going to affect your own district, you will find that it is going to work a gross injustice among the several counties of your district, and it will be in a way in which you can not justify yourself before your people.

Mr. SHALLENBERGER. And is not there a reason, since the gentleman raised that question, that the counties that find they have some lower numbers will not complain, but that every county that has too many soldiers taken is going to complain?

Mr. HARRISON of Virginia. Surely, and some sections of this country, in places like that of my friend from Nebraska, have had an extraordinary burden placed upon their State as against some other sections, where the burden has been very light. Before I get away further, when this thing was first proposed I telegraphed to every board in my district to send me word how it was going to affect their counties. I have two counties lying right side by side, each has exactly the same number of registrants, and one of them, as I say, in the same community virtually, has a large credit for volunteers, much larger than the other, and yet the county which has furnished a very large volunteer force will have to furnish twice the number of soldiers as the other. I have another county that has 1,125 total registrants, and it lies right opposite another that has only 570, and that county which has only 570 registrants will have to furnish two soldiers for every one that the one that has 1,125, and the one that has 570 registrants is the one that has the most farmers in it. I obtained the information as to the number of farmers in class 1 at the same time I obtained the other information. So when you go back to your district, how are you to face the injustice worked between counties of your own district? You go into one of your counties and you are met by the people there, and you find that by this rule its burden has been just double that of another county, without any excuse for it, without any necessary public policy requiring it, the character of people being the same. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HARRISON of Virginia. I want to bring out some more facts, gentlemen, and I am going to do it under the five-minute rule if I get the opportunity. I would ask the gentleman to yield me two minutes more in order to answer the proposition about credit.

Mr. SHALLENBERGER. I yield one minute to the gentleman.

Mr. HARRISON of Virginia. It is said here that counties with volunteers get credit by reason of the fact that volunteers are not placed in class 1. It is claimed that by reducing the number of class 1 by the volunteers credit is thus given. Now, I will just illustrate it at once so you will see that can not be true.

Here are two boards, and each of them has exactly the same number in class 1. Each has 1,000, but one has a credit of 1,000

in the shape of volunteers. Now, under the resolution, each of those two boards has to contribute the same number of men, although one has a credit of 1,000 volunteers. They say if you put all the volunteers in class 1 of the county contributing the class 1 would be increased, and that would make up the difference. Let us see how that works: Suppose the call is for 50 per cent of class 1. Under the resolution each board would contribute 500 men. Under the credit system the first county would contribute 500 men unreduced by credit; and 50 per cent of the second county with 1,000 volunteers added to its class 1 would be 1,000, which would be reduced by a credit of 1,000 to none. So that one county would contribute 500 and the other none by virtue of the credit for its volunteers. It is perfectly evident, therefore, that credit is not given a county by reason of the fact that its volunteers are not placed in class 1.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that all gentlemen who speak on this bill may be permitted to extend their remarks in the Record.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that all those who may speak on this bill may have unanimous consent to extend their remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

Mr. FIELDS. Mr. Speaker, I yield 10 minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, it is apparent to us all that in 10 minutes no one familiar with the customs or the atmosphere of the House of Representatives could expect to dwell to any considerable extent and to much completed purpose on the true merits of this proposition, because this proposition resolves itself down not so much into a matter of mathematics as it does into a question of philosophy, and I mean a practical philosophy, the philosophy upon which this country was organized and the philosophy upon which it must be maintained, or else it will fall. In other words, while we have been listening to some of our distinguished colleagues, who with great earnestness and in all good faith have dwelt upon what seems to them to be the real crux of this question, I could not help thinking all the time that this is a question of a terrible national war and not of neighborhood militia bookkeeping. It makes all the difference in the world whether you approach the question from the viewpoint of trying to keep the count of each town and hamlet and county and district with mathematical exactness, so that no man shall go out of one region to fight for the country until an equivalent number of men have gone out of another region, or whether we shall follow the spirit and philosophy we see all through those brilliant romances of Dumas, which romances are now being reenacted so gloriously in real life on the fields of France. "Each for all and all for each."

It is not a question of mathematics. It is a question of national purpose and one common purpose of a people who are truly nationalized. [Applause.]

Now, if we depend upon the process of apportioning the quotas of States by the naked figures of the State's population, it is manifest at once that the very ratio we use for determining how many people shall be sent out of that State for war is itself an undependable factor, because when we get down into the figures of population that make that ratio to get the men to send to war we find part of that population ineligible, part exempt on statutory grounds, part physically unfit, and part aliens, or in this and that or the other status of unavailability. And we do not start, therefore, with a constant factor. If we start, on the other hand, by apportioning to each State as its quota that number of soldiers under the ratio that the number of men in each class in that State available for military service bears to the total of the men in that class in the 48 States, then we are figuring all the time on the men who are liable to go, are available to go, and in the most part must go, and our factor is almost constant. Of course, it can not be absolutely constant, because physical examination or other consideration may disturb it, but it is certainly static to the extent that it eliminates all the people that we know will not go in all circumstances.

But, says our friend who proposes the amendment, instead of making the apportionment based upon a ratio of class by class—that is to say, taking that proportion to the total of the country in class 1 which one State number in class 1 bears to that total—we ought to take the total of all the registrants in that State and make that the ratio as it relates to the total of all the registrants in all of the States. But I think one may easily see on second thought that if we do this we are practically getting back again to the uncertainties of the old population basis more or less. Because, while we are now expecting only to take out of class 1 for the purposes of this war, broadly speaking, and almost completely speaking, we are by

his process still estimating the number of men we shall take out of class 1 on the basis of reckoning and including also the number of men in classes 2, 3, and 4, whom we do not expect to take.

There is no mathematical justice in that, if we are trying to get an accurate and fair apportionment and distribution on the basis of bookkeeping.

I can not expect to dwell, even if you had the patience to listen now, in amplification of these ideas, and I am glad to believe that I am talking to men who need only a suggestion; they will know how to apply the reasoning, if, happily, there is any reason in my suggestions.

Again, our friends in the minority report contend that these young men having drawn out of the box a number, their relation to the call for military service ought to be in all justice and equity by that fact fixed and determined, and that it is unfair and unjust to these young men now to disturb that order in which they were to have been called. Well, that would be all right if we sat over the green cloth with the cards, where the code determined our relations to one another. If this drawing of the ball out of the urn, the gambler's hazard, is to determine what allegiance he owes to and what sacrifice a man must make for his country, then we certainly have departed from the old idea, that no matter when his turn came, or when his country needed or called him, it should be a man's duty not to stand upon the order of his going but to go at once. [Applause.]

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. GORDON. Of course, you have defined very fully there the voluntary system; but these men who have already been drafted into the service were drafted because their ball happened to come first.

Mr. GREENE of Vermont. True; but suppose this country, with no experience of a draft law to govern it, undertook an experiment, as it did; we have had since that experiment began now nearly one year of experience under it. The Provost Marshal General has compiled statistics as to the operation of this experiment; and what would we be, what kind of legislators would we be, if we should shut our eyes to the significance of the lesson taught us all through those archives of his, that the experiments conducted through the year showed many things which no human being could have foreseen or have anticipated or provided for in the statute law; and that knowing those things, knowing how indirectly and obliquely, sometimes, this law had begun to work in places, to the manifest injustice of communities and of men, we should still say, "No; we will stake all on that little lead pellet that was drawn out of the urn and will not change it." How absurd! [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. GARRETT of Tennessee. A matter that has given very considerable trouble about this legislation is this: As I understand, in classifying the men under the questionnaire, different rules were adopted from those which the local and district boards operated on the first classification. In other words, there are thousands now gone into the service who, if they had been examined under the questionnaire, would have had a different classification, a district classification. Is that correct or not?

Mr. GREENE of Vermont. I presume it must have in some individual instances worked out that way.

Mr. GARRETT of Tennessee. Is the gentleman sure it is only in a few instances?

Mr. GREENE of Vermont. I do not know, because, of course, it is obvious that the individual instances have not been inquired into to get their aggregate; the men are in the service, and they are gone, and, fair or not, it is an accomplished fact.

Mr. GARRETT of Tennessee. The justice of basing the draft on registrants instead of on population has appealed to me very strongly, but that which has given me most trouble is the change in the classification under the questionnaire and under the original registration.

Mr. FIELDS. Mr. Speaker, will the gentleman permit an interruption?

Mr. GREENE of Vermont. Certainly.

Mr. FIELDS. Under the questionnaire they have a system of rules under which the local board operates. Under the old system they left discretion to the boards.

Mr. GARRETT of Tennessee. But does not the fact remain that there are thousands of men—

The SPEAKER. The time of the gentleman from Vermont has expired.

Mr. FIELDS. Mr. Speaker, I yield two more minutes to the gentleman.

Mr. GREENE of Vermont. I can not do much in two minutes. Mr. FIELDS. Then I yield to the gentleman five minutes. The SPEAKER. The gentleman is recognized for five minutes more.

Mr. GREENE of Vermont. Another point that has been raised here—and I must trust again to your kind indulgence; you will do your thinking for yourselves and make your own application of my mere scant suggestions—another thing suggested by our friends is that this is a great departure from any contemplated idea of universal military service. Now, to state the words “universal military service” to a company like this means to carry with it incidentally the idea of its utter impossibility. There is no such thing, there can be no such thing as universal military service. If all the people of one country were out in the field to fight all the people of another country, the war would last about 24 hours.

There must be some means of sustaining armies in the field. That is obvious. The question simply comes down as to the most practicable way of determining what men shall be left at home to sustain the army in the field, and that is not a matter of geography, but a matter of personal availability and fitness. If you are to determine that by geography, then you upset all the schemes of logic by which men transact their own private business. They would pick out men to stay at home to make munitions who ought to stay there, and they would send men to fight who ought to fight. It is humanly impossible, of course, to make that distribution absolutely equal. It is humanly impossible to make it absolutely exact. Nothing that we can do will be anything more, perhaps, than a well-intentioned approximation. But if we depend on the philosophy that is behind the selection of men by the terms of class 1, we have practically approximated what the experience of this year, in dealing with the selective-service law as it was first instituted, permits us to believe is the safest and the fairest way.

Then it is urged by our friends that if we favor this bill as it stands, it is only another way of protecting from active military service those people who live in districts where the munitions plants are. Well, we all start, of course, with the proposition that we have got to have the munitions plants or else we will not have any army in the field at all. We all start with the next proposition that the munitions plants must be somewhere, or else there will not be any. Then some men must work in them, or else there is no use having them at all. Now, will those people in the regions where there are no munitions plants send their men over to us where there are munitions plants, and thus avoid having those men put into the military service? Obviously our general population is not distributed, and we can not distribute it, with reference to the munitions plants. So it comes down again to the simple, practical matter of expediency, of taking those men to operate the munitions plants where the munitions plants are, and where the men are absolutely needed to operate those plants, regardless of geography, or else you will have no army in the field, whether you have any geography or not.

If in the old days when this Government was founded we had proceeded on the idea that because there was not a munitions plant in some particular locality we would not go into the war, where would we be now? Apply the analogy to my home region in New England. If all the pioneer settlers there who did not live within 50 miles of a blockhouse had said, “We will not chase off Indians and fight redcoats, because there is no blockhouse in our neighborhood,” then we who sit in the House of Representatives of the United States of America would not be here to-day, and there would be no House of Representatives and no United States of America.

Then, the next objection proposed here is that, while this may be good for a general law, the weakness of it is in local enforcement; that exemption boards here, there, or somewhere else may not play square with the Nation, and therefore, because they will not play fair with the Nation, will defeat the general purpose of the law. I am not a lawyer, but I am familiar with one legal phrase which runs in Latin, “Abusus non tollit usum”—the abuse of a thing is no argument against its proper use. If we say that we will never pass a national law because it will have to be enforced in 48 different States, with the varying personal equations in the minds, temperaments, and habits of the men who are to enforce it, then our Government is a failure. You and I know that we ought not to deny the efficacy of the application of a general principle because of the fact that somewhere at some time it may be abused.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GREENE of Vermont. May I have two minutes more?

Mr. FIELDS. I yield to the gentleman two minutes.

Mr. GREENE of Vermont. Another thing ought to be borne in mind as one of the practical aspects of this situation and the proposition submitted here. It should be remembered that it is the avowed purpose of the Provost Marshal General in his calls for men to exhaust the availables in class 1 in all the States before he makes a call for the men of class 2 in any State. Therefore when all the men in class 1 in any State have gone, that State will not furnish more men under the call until all the class 1 men in the whole country are gone. If it is true, therefore, that in some neighborhoods the exemption board will be so unfair as to exclude men from class 1 who ought to be there, all they are going to do in the long run is to bring nearer by just that same proportion the time when the country will have to go into class 2, and then their men certainly will be drawn.

There is no escape from that. The more men you leave out of class 1 the quicker class 1 is exhausted by the call and the quicker you get into class 2. Thus you have not gained anything by it, not a thing.

The question of getting credit for volunteers is a moot one. There is much to be said on both sides, and I think you will agree with me, partly at least, when you come to the second thought about this matter, that when you are exempting a man to-day from the service of his country because another man went before him you are resorting to something little short of the old Civil War “substitute” proposition, that is, that one man need not go by compulsion because another man went willingly. Perhaps both men ought to go. When you come to analyze what the credit system means that can not be a matter of mathematics; it is a question of principle.

I would like to continue, but I can not abuse your patience any longer, and my time has run out. It is a broad, deep, and tremendously important subject. I realize the good faith of those men who oppose this law, but I believe it is time for us to forget our own neighborhoods in the contemplation of the whole noble country and the solemn call to patriotic duty that rings through it to-day. We must all turn in to save each other or surely all will be lost. On the battle field of France you have two great nations that have surrendered their national prejudices and put themselves under the hands of one commander, a Frenchman. Great Britain, stubborn Great Britain, is no longer attached to her neighborhood idea of controlling her own army. It is time for us, too, to give up all this idea of a bookkeeping account of our proportionate local sacrifices and all of us fight for Uncle Sam, no matter how many men are needed, no matter where they come from, and no matter where they are to go. [Applause.]

Mr. FIELDS. Mr. Speaker, I yield to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Speaker, the War and Navy Departments have furnished me with a list of States showing the number of men enlisted. I ask unanimous consent to place it in the Record.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The matter is as follows:

Number ordered to camp up to Apr. 10, 1918.

United States.	White and colored, first and second draft—General.	White and colored—Special.
Alabama.....	17,631	93
Arizona.....	4,030	25
Arkansas.....	12,817	30
California.....	29,158	575
Colorado.....	6,175	203
Connecticut.....	13,950	795
Delaware.....	1,651	34
District of Columbia.....	1,523	60
Florida.....	8,075	25
Georgia.....	23,348	25
Idaho.....	3,131	1
Illinois.....	60,115	739
Indiana.....	22,475	950
Iowa.....	16,151	1,731
Kansas.....	8,147	101
Kentucky.....	17,041	507
Louisiana.....	16,439
Maine.....	3,157	110
Maryland.....	9,548	150
Massachusetts.....	28,251	883
Michigan.....	35,831	1,002
Minnesota.....	21,241	2,060
Mississippi.....	13,311	31
Missouri.....	23,308	1,423
Montana.....	9,635	30
Nebraska.....	10,111	76
Nevada.....	1,302
New Hampshire.....	1,930	60

Number ordered to camp up to Apr. 10, 1918—Continued.

United States.	White and colored, first and second draft—General.	White and colored—Special.
New Jersey.....	27,077	281
New Mexico.....	2,821	
New York.....	91,215	1,734
North Carolina.....	20,232	50
North Dakota.....	6,303	60
Ohio.....	50,601	735
Oklahoma.....	18,353	50
Oregon.....	2,003	100
Pennsylvania.....	77,623	1,149
Rhode Island.....	3,323	224
South Carolina.....	12,393	63
South Dakota.....	3,633	36
Tennessee.....	18,517	77
Texas.....	33,905	355
Utah.....	3,235	25
Vermont.....	1,621	60
Virginia.....	17,038	75
Washington.....	9,530	100
West Virginia.....	11,651	102
Wisconsin.....	16,415	350
Wyoming.....	1,273	20
Alaska.....		
Hawaii.....		
Porto Rico.....		
Total.....	853,837	17,378

All men ordered is the sum of columns "General" and "Special."
Total, 871,215 sent to camps for drafted Army.

Number of enlistments by States from Apr. 6, 1917, to Feb. 18, 1918.

NAVY DEPARTMENT,
BUREAU OF NAVIGATION,
Washington, D. C., February 26, 1918.

Alabama.....	1,908
Arizona.....	646
Arkansas.....	1,826
California.....	5,430
Colorado.....	2,527
Connecticut.....	2,536
Delaware.....	838
District of Columbia.....	729
Florida.....	1,006
Georgia.....	2,398
Idaho.....	638
Illinois.....	9,072
Indiana.....	3,879
Iowa.....	3,602
Kansas.....	2,388
Kentucky.....	2,129
Louisiana.....	2,415
Maine.....	1,264
Maryland.....	1,578
Massachusetts.....	6,259
Michigan.....	3,336
Minnesota.....	4,027
Mississippi.....	1,659
Missouri.....	5,946
Montana.....	1,289
Nebraska.....	2,264
Nevada.....	202
New Hampshire.....	536
New Jersey.....	3,131
New Mexico.....	515
New York.....	13,183
North Carolina.....	1,271
North Dakota.....	823
Ohio.....	3,771
Oklahoma.....	2,424
Oregon.....	2,301
Pennsylvania.....	8,118
Rhode Island.....	994
South Carolina.....	1,480
South Dakota.....	795
Tennessee.....	2,353
Texas.....	8,940
Utah.....	713
Vermont.....	454
Virginia.....	2,673
Washington.....	1,249
West Virginia.....	2,158
Wisconsin.....	2,071
Wyoming.....	296
Total.....	132,190

Total number of men enlisted or enrolled in the United States Navy from Apr. 6, 1917, to Feb. 18, 1918.

Total increase in the—	
Regular service.....	132,190
Naval Reserve.....	53,986
National Naval Volunteers.....	15,000

Making a grand total in the United States Navy..... 201,176

NOTE.—Records to show Reserves and National Naval Volunteers by States not complete.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ROGERS. Under the leave to extend my remarks I insert the following table:

Summary of classification as shown by reports received from States in response to Provost Marshal General's Office telegram c-257, Apr. 2, 1918.

State.	Date.	Classified.	Class 1.	Pending.	Per cent class 1 to total classified.
Alabama.....	Mar. 31	167,045	51,823	2,248	31
Arizona.....	Mar. 27	29,806	5,944	65	22
Arkansas.....	Mar. 29	141,526	43,225	883	31
California.....	do	123,023	25,376	1,481	21
Colorado.....	Mar. 31	74,314	17,541	478	24
Connecticut.....	Mar. 27	137,478	31,265	3,079	23
Delaware.....	do	19,695	5,394	283	27
District of Columbia.....	Mar. 31	29,461	10,166	63	35
Florida.....	Mar. 27	74,185	26,365	350	36
Georgia.....	Apr. 1	213,839	68,130	11,142	32
Idaho.....	Mar. 27	33,024	10,243	532	27
Illinois.....	Mar. 28	545,956	150,703	13,801	28
Indiana.....	Mar. 27	230,640	67,709	6,088	26
Iowa.....	Mar. 30	207,815	56,938	938	27
Kansas.....	Mar. 29	116,223	32,984	9,208	28
Kentucky.....	Mar. 31	177,781	50,192	877	28
Louisiana.....	Apr. 2	141,033	52,075	2,122	38
Maine.....	Mar. 27	55,568	18,680	400	33
Maryland.....	do	112,031	33,012	4,324	29
Massachusetts.....	do	319,802	82,732	5,375	26
Michigan.....	Mar. 30	314,148	91,937	5,635	29
Minnesota.....	Mar. 31	203,712	62,670	3,460	31
Mississippi.....	Apr. 1	130,960	42,252	1,917	32
Missouri.....	Mar. 29	281,742	77,580	3,923	28
Montana.....	Mar. 27	78,905	24,502	904	31
Nebraska.....	Mar. 29	104,979	27,350	2,412	26
Nevada.....	Mar. 28	9,466	2,347	164	25
New Hampshire.....	Mar. 27	35,171	9,980	208	28
New Jersey.....	Apr. 2	277,069	69,244	3,371	30
New Mexico.....	Mar. 30	28,286	8,654	660	26
New York.....	Mar. 27	518,713	209,056	10,451	39
North Carolina.....	Apr. 1	190,491	55,682	2,278	29
North Dakota.....	Mar. 31	61,496	18,469	93	30
Ohio.....	Mar. 31	481,888	122,428	11,251	25
Oklahoma.....	do	134,011	39,949	14,751	30
Oregon.....	do	61,067	18,584	2,521	30
Pennsylvania.....	Mar. 28	551,388	132,984	9,607	24
Rhode Island.....	Mar. 27	51,648	13,216	87	26
South Carolina.....	do	118,421	34,788	630	29
South Dakota.....	Mar. 29	54,103	20,423	824	38
Tennessee.....	Mar. 27	177,129	49,230	2,402	28
Texas.....	Mar. 31	364,930	100,598	10,281	28
Utah.....	Mar. 31	40,040	8,873	168	22
Vermont.....	Mar. 27	25,283	6,608	145	30
Virginia.....	Mar. 31	161,771	48,694	2,192	30
Washington.....	Mar. 27	101,573	23,893	307	23
West Virginia.....	Mar. 30	114,057	35,515		31
Wisconsin.....	Mar. 27	228,839	60,939		29
Wyoming.....	Mar. 31	21,211	8,546	1,041	43
Total.....		8,175,263	2,265,445	155,691	27.71

Mr. JOHNSON of Washington, by unanimous consent, was given leave to extend his remarks.

Mr. MASON. Mr. Speaker, I ask unanimous consent to insert two telegrams in the Record in regard to the liberty loan.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The telegrams are as follows:

CHICAGO, ILL., April 10, 1918.

Hon. WILLIAM E. MASON,

House of Representatives, Washington, D. C.:

Requirement of full payment of income taxes in June is seriously hampering the banks of this district in financing liberty-loan purchases for their customers and working great hardship on individuals and corporations desiring to buy liberty bonds. If payment of taxes in installments is permitted it will greatly relieve this situation and contribute materially to the success of the third liberty loan in the great Middle West.

H. L. STUART,

Director of Campaign.

HEMAN GIFFORD,

Illinois Director of Sales.

GEORGE H. DUNSCOMB,

Indiana Director of Sales.

WM. L. ROSS,

Wisconsin Director of Sales.

F. R. FENTON,

Michigan Director of Sales.

C. H. MCNIDER,

Iowa Director of Sales.

CHAS. W. FOLDS,

Chicago and Cook County Director of Sales of the Liberty

Loan Campaign Committee, Seventh Federal Reserve District.

CANTON, ILL., April 10, 1918.

Hon. WILLIAM E. MASON,

Congress Hall Hotel, Washington, D. C.:

Requirements of full payment of income tax in June is seriously hampering banks of this district in financing liberty-loan purchases for

their customers. It is also working great hardship to industrials and corporations desiring to buy liberty bonds. If payment of taxes in installments is permitted it will greatly relieve this situation and contribute materially to successes of the liberty loan in the great Middle West.

U. G. ORENFORFF,
Chairman Fulton County Liberty Loan Committee.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on April 10, 1918, approved and signed bills of the following title:

H. R. 2316. An act to promote export trade, and for other purposes; and

S. 3400. An act to regulate the pay of retired chief warrant officers and warrant officers on active duty.

ADJOURNMENT.

Mr. FIELDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Friday, April 12, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Public Printer, transmitting schedules of useless files of papers and records of the office of the superintendent of documents that are no longer of any value or use to that office (H. Doc. No. 1034); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting a claim for damages by river and harbor work which has been adjusted and settled by the Chief of Engineers and approved by the Secretary of War (H. Doc. No. 1035); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER of Massachusetts, from the Committee on Claims, to which was referred the bill (H. R. 2207) for the relief of Arthur Wendle Englert, reported the same with amendment, accompanied by a report (No. 484), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 3106) granting a pension to Elizabeth M. Keefe, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. O'SHAUNESSY: A bill (H. R. 1392) to authorize the coinage of 15-cent pieces, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. WHALEY: A bill (H. R. 11393) to authorize the Columbia Railway & Navigation Co. to construct a canal connecting the Santee River and the Cooper River in the State of South Carolina; to the Committee on Interstate and Foreign Commerce.

By Mr. FRANCIS: Resolution (H. Res. 307) directing the Committee on Expenditures in the Post Office Department to institute an examination of the accounts and expenditures of the Post Office Department, and for other purposes.

By Mr. SHERWOOD: Resolution (H. Res. 308) providing for pay for examiner detailed to the Committee on Invalid Pensions from the Bureau of Pensions; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 11394) granting a pension to Bertha Zwicker; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 11395) granting an increase of pension to Wilson Lord; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 11396) granting an increase of pension to Allen B. O'Conner; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 11397) granting an increase of pension to Montrose Washburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11398) granting a pension to Mary M. Gun-solus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11399) granting a pension to Jane Tilly; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11400) granting an increase of pension to John T. Glover; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 11401) granting an increase of pension to Joseph Seiger; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 11402) granting an increase of pension to Daniel A. Larkin; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11403) granting an increase of pension to David W. McMeen; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 11404) granting an increase of pension to G. S. Scott; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11405) granting a pension to Lillie E. Justice; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 11406) granting a pension to James R. Mowry; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petition of New York State Ice Manufacturers' Association, against passage of increased second-class postage; to the Committee on Ways and Means.

By Mr. ESCH: Memorial of Boy Scouts of America, pledging help in every way to win the war; to the Committee on Military Affairs.

Also, memorial of the county and ward workers of the La Crosse County (Wis.) Council of Defense, favoring giving power to Food Administrator to commandeer the barley in the malt houses in the United States; to the Committee on Agriculture.

By Mr. RAMSEYER: Petition of C. E. Lufkin, Mahaska County, Iowa, asking law to permit payment of Federal taxes in installments; to the Committee on Ways and Means.

By Mr. YOUNG of North Dakota: Memorial of the Bismarck Clearing House Association on April 5, 1918, recommending that the payment of income tax and excess-profits taxes be permitted upon the installment plan; to the Committee on Ways and Means.

SENATE.

FRIDAY, April 12, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in these terrible times we bless Thee that the American people are learning to pray. We have found from the problems confronting us that human wisdom is not sufficient for human life and that the power of the human arm, no matter how great, how strong, is not sufficient for the battle of life. We turn to Thee, the God of all nations and of all men, whose mighty arm is not weakened and who has still power to save. We pray that Thou wilt guide us and make us Thine own instruments for the establishment of justice and peace and brotherhood in all the earth. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore assumed the chair.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, April 6, 1918, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

STREETS IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 213).

The PRESIDENT pro tempore laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 1st instant, a report relative to the proceedings that have been instituted for the opening, extension, widening, or straightening of alleys and minor streets in the city of Washington, D. C., which was referred to the Committee on the District of Columbia and ordered to be printed.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 2917. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual